

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 3

In the Matter of:

Starbucks Corporation,	Case Nos.	03-CA-285671,
		03-CA-290555, 03-CA-291157
Employer,		03-CA-291196, 03-CA-291197
		03-CA-291199, 03-CA-291202
and		03-CA-291377, 03-CA-291378
		03-CA-291379, 03-CA-291381
Workers United,		03-CA-291386, 03-CA-291395
		03-CA-291399, 03-CA-291408
Union.		03-CA-291412, 03-CA-291416
		03-CA-291418, 03-CA-291423
		03-CA-291431, 03-CA-291434
		03-CA-291725, 03-CA-292284
		03-CA-293362, 03-CA-293469
		03-CA-293489, 03-CA-293528
		03-CA-294336, 03-CA-293546
		03-CA-294341, 03-CA-294303
		03-CA-206200

Place: Buffalo, New York

Dates: August 29, 2022

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 3

In the Matter of:

STARBUCKS CORPORATION,

Employer,

and

WORKERS UNITED,

Union.

Case Nos. 03-CA-285671,
03-CA-290555, 03-CA-291157
03-CA-291196, 03-CA-291197
03-CA-291199, 03-CA-291202
03-CA-291377, 03-CA-291378
03-CA-291379, 03-CA-291381
03-CA-291386, 03-CA-291395
03-CA-291399, 03-CA-291408
03-CA-291412, 03-CA-291416
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03-CA-291725, 03-CA-292284
03-CA-293362, 03-CA-293469
03-CA-293489, 03-CA-293528
03-CA-294336, 03-CA-293546
03-CA-294341, 03-CA-294303
03-CA-206200

The above-entitled matter came on for hearing, pursuant to notice, before **MICHAEL A. ROSAS**, Administrative Law Judge, at the National Labor Relations Board, Region 3, Robert H. Jackson United States Courthouse, Wyoming (5E) Courtroom, 2 Niagara Square, Buffalo, New York 14202, on **Monday, August 29, 2022, 9:05 a.m.**

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WITNESSDIRECTCROSSREDIRECTRECROSSVOIR DIRE

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Michaela Wagstaff 2540 2547

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Tiffany Mann 2575,2577,

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2582,2585 2630,2634

2576,2581,2584

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Melissa Garcia 2636,2647 2669,2672

2646

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Mallori Coulombe 2673,2690 2688

2684

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E X H I B I T SEXHIBITIDENTIFIEDIN EVIDENCE**General Counsel:**

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16	R-94	2618	2620
17	R-95	2645	2646
18	R-96	2682	2685
19			
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1 **P R O C E E D I N G S**

2 JUDGE ROSAS: All right. The continuation of Starbucks
3 Corporation.

4 General Counsel, next witness.

5 MS. STANLEY: General Counsel calls Michaela Wagstaff.

6 JUDGE ROSAS: Raise your right hand.

7 Whereupon,

8 **MICHAELA WAGSTAFF**

9 having been duly sworn, was called as a witness herein and was
10 examined and testified as follows:

11 JUDGE ROSAS: All right. State and spell your name and
12 provide us with an address.

13 THE WITNESS: Do I need to push this?

14 JUDGE ROSAS: What's that?

15 THE WITNESS: Do I need to push this?

16 MS. STANLEY: No, you're --

17 THE WITNESS: Okay.

18 JUDGE ROSAS: No, no, no. You can sit where you are. You
19 don't have to get too close.

20 THE WITNESS: Okay. Michaela Wagstaff, M-I-C-H-A-E-L-A
21 W-A-G-S-T-A-F-F. And (b) (6), (b) (7)(C) .

22 JUDGE ROSAS: Is that (b) (6), (b) (7)(C)

23 THE WITNESS: (b) (6), (b) (7)(C) .

24 JUDGE ROSAS: Okay.

25 **DIRECT EXAMINATION**

- 1 Q BY MS. STANLEY: Hi, Michaela.
- 2 A Hi.
- 3 Q First of all, what are your pronouns?
- 4 A She/her.
- 5 Q And where do you work?
- 6 A Starbucks.
- 7 Q How long have you worked for Starbucks?
- 8 A Four years.
- 9 Q What location do you work at?
- 10 A The Brighton-Monroe-Clover Starbucks.
- 11 Q And where is that?
- 12 A In Rochester.
- 13 Q What's your job title?
- 14 A Shift supervisor.
- 15 Q Have you -- how long have you been a shift supervisor?
- 16 A Two years.
- 17 Q Have you always worked at the Brighton-Monroe-Clover
- 18 store?
- 19 A No.
- 20 Q Where did you work before that?
- 21 A At a store in Arlington, Texas.
- 22 Q And when did you go from Texas to the Rochester store?
- 23 A Last year, in September.
- 24 Q Michaela, are you familiar with Workers United?
- 25 A Yes.

1 Q And are you familiar with the Starbucks Workers United
2 organizing committee?

3 A Yes.

4 Q How are you familiar with the committee?

5 A We organized.

6 Q When did you get involved in organizing at your store?

7 A We started talking about it in December, and we got the
8 ball rolling in January.

9 Q December of what year?

10 A 2021. Or -- yeah, 2021.

11 Q Did you publicly show support for the union at your store?

12 A Yes.

13 Q How did you do that?

14 A Mostly pins and shirts.

15 Q What hours were you working in March of 2021?

16 A Around 25.

17 Q Per?

18 A Week.

19 Q And what kind of shifts were you working?

20 A Mostly closes.

21 Q So what time would you typically come in and leave?

22 A From 12 to 8:30 or 1 to 9:30.

23 Q Are you familiar with Brian Nuzzo?

24 A Yes.

25 Q How do you know him?



1 A Through -- through Starbucks.

2 Q Does he still work for Starbucks?

3 A No.

4 Q When did he stop working for Starbucks?

5 A In March, I believe --

6 Q Okay.

7 A -- of 2022.

8 Q How do you know that?

9 A I was present whenever he was fired.

10 Q Okay. Were you working that day?

11 A Yes.

12 Q What hours did you work that day?

13 A I believe 12 to 4 or 4:30.

14 Q And what did you see that day, regarding Brian?

15 A I came in at, I believe, noon. And he was supposed to be
16 off, so he was handing the shift off to me. And then he told
17 me that he was instructed to wait for Marcus Rainford to show
18 up, to have a conversation with him. And then, around 1 p.m.,
19 so about an hour later, Marcus got there. And then they sat at
20 a table in the cafe, which wasn't too far from me.

21 And I couldn't hear everything they said. It was just far
22 enough that, you know, I could catch little bits. But -- and
23 then I heard Brian say, like, after however long with the
24 company, and basically, like, after, you know, all I've done
25 for the company. And I assumed that he was being let go.

1 And then, after they finished chatting, Marcus and Brian
2 went to the back of house to collect Brian's stuff. And when
3 they came back out, I gave Brian a big hug and said, you know,
4 I'm sorry this is happening. And then Marcus escorted Brian
5 out.

6 Q Were you on the floor during the entire conversation that
7 the two of them had in the lobby?

8 A Yes.

9 Q And could you overhear anything other than what you
10 already said?

11 A Not that I recall.

12 Q What did you observe about Brian's behavior during that
13 conversation?

14 A At first, he was pretty calm and quiet. And then he,
15 like, gestured -- like, frustrated gestured with his hands,
16 just kind of like a -- after this long, you know? And that was
17 pretty much it. I wouldn't say that he, like, yelled, but he
18 was --

19 MR. BALSAM: Objection. Move to strike. Not responsive.
20 She answered the question.

21 THE WITNESS: Sorry.

22 MS. STANLEY: That's okay.

23 JUDGE ROSAS: Let's take the next question.

24 Q BY MS. STANLEY: Did Brian yell during that conversation?

25 A No. I wouldn't say he yelled. I could hear him, but --

- 1 but I wouldn't call it yelling.
- 2 Q About how far away were you from him?
- 3 A No more than 15 feet.
- 4 Q Did you go into the back of house after Brian left?
- 5 A Yes.
- 6 Q Did you notice anything different in the backroom?
- 7 A No.
- 8 Q Did you ever see Brian in the store after that date?
- 9 A No.
- 10 Q What was the mask policy in your store the day Brian was
- 11 fired?
- 12 A Masks were required.
- 13 Q Did that policy ever change?
- 14 A Yes.
- 15 Q When did it change?
- 16 A I believe it was the Monday after, because Brian got
- 17 fired, I think, on a Tuesday, and I think it was the next
- 18 Monday the mask mandate was lifted.
- 19 Q When the mask policy was in effect, did you ever see a
- 20 partner in the store without a mask on?
- 21 A Yes.
- 22 Q Was -- was there ever a supervisor or a manager there when
- 23 a partner didn't have a mask on?
- 24 A Yes.
- 25 Q Did you ever see a partner being disciplined for failing

1 to wear a mask?

2 A No.

3 Q Are you aware of Starbucks' policy on going into a store
4 alone?

5 A Yes.

6 Q What's that policy?

7 A You're not allowed to.

8 Q Have you ever gone into a store alone?

9 A No.

10 Q Are you aware of other partners who have?

11 A Yes.

12 Q Do you know whether those partners were disciplined for
13 doing that?

14 A Not that I know of.

15 MS. STANLEY: My last few questions, Your Honor, go to the
16 just and proper evidence.

17 Q BY MS. STANLEY: Michaela, when Brian was fired, what was
18 the state of the union organizing at your store?

19 A We had, I guess you'd say, petitioned, but we weren't
20 official yet.

21 Q Had you voted?

22 A No.

23 Q When did your store vote?

24 A At the end of March, I believe.

25 Q Did Brian's termination affect the campaign in any way at

1 your store?

2 A I would say people were disheartened.

3 Q Did anyone talk to you about it?

4 A Yes.

5 Q What did those people say?

6 A They said, you know, that they were scared, and they felt
7 like they needed to watch their steps really carefully, and
8 scared of retaliation.

9 Q How did you feel?

10 A Afraid.

11 Q Why were you afraid?

12 A I was scared that if I made, like, one misstep, that I
13 would also be terminated.

14 MS. STANLEY: Nothing further, Your Honor.

15 JUDGE ROSAS: Charging Party.

16 MR. DOLCE: Nothing from Charging Party.

17 JUDGE ROSAS: Off the record.

18 (Off the record at 9:12 a.m.)

19 JUDGE ROSAS: All right. On the record.

20 MR. BALSAM: Thank you, Judge.

21 JUDGE ROSAS: Respondent.

22 **CROSS-EXAMINATION**

23 Q BY MR. BALSAM: Good morning, Ms. Wagstaff. How are you?

24 A Good. Nice to meet you.

25 Q You as -- you as well.



1 JUDGE ROSAS: Let me know when you go to just and proper.

2 MR. BALSAM: I will. And just for the record, we object
3 to the introduction -- standing objection to the introduction
4 of any just and proper evidence in this proceeding. Sorry.

5 Q BY MR. BALSAM: You testified that your store started
6 unionizing in December of 2021, correct?

7 A We started talking about it, yes, sir.

8 Q And at some point in time, your store actually became a
9 unionized location, correct?

10 A Yes.

11 Q When did that happen?

12 A In, I believe, March.

13 Q March of 2021?

14 A -2.

15 Q -2.

16 A '22. Yeah.

17 Q -2. And Mr. Nuzzo was terminated in which month?

18 A In March, prior to the vote.

19 Q Okay. And you testified that Brian's firing had an impact
20 on the campaign, correct?

21 A Yes. Yeah.

22 Q But the store still unionized, even in light of Brian's
23 termination, correct?

24 A Yes.

25 Q You said people said they were afraid? What --

1 A Yes.

2 Q -- were they afraid about?

3 A Of retaliation.

4 Q Who else was subject to retaliation for their support of
5 union activity?

6 A I'm sorry; could you repeat that?

7 Q Was anyone else subject to any type of discipline for
8 supporting the union at your store?

9 A Not that I know of.

10 Q So it was just Brian who you think was subject to
11 discipline because of his union support?

12 A Yes.

13 Q Are you aware that Mr. Nuzzo has admitted to all the
14 things that were alleged against him, which led to his
15 termination?

16 A No.

17 Q Are you aware that Mr. Nuzzo told his supervisor that he
18 hoped he died?

19 A No.

20 Q Assuming that Mr. Nuzzo did in fact tell his supervisor he
21 hoped he died, would you agree that that would be justification
22 for discipline?

23 MS. STANLEY: Objection.

24 A Yes.

25 MS. STANLEY: Calls for speculation.

1 MR. BALSAM: She already admitted it.

2 JUDGE ROSAS: Sustained.

3 MS. STANLEY: And I would move to strike the question and
4 the answer.

5 JUDGE ROSAS: Stricken.

6 Q BY MR. BALSAM: Ms. Wagstaff, do you comply with
7 Starbucks' policies and procedures?

8 A Yes.

9 Q And as you sit here today, have you ever been subject to
10 any type of discipline?

11 A No.

12 Q And would you agree that, if you violated a Starbucks
13 policy and procedure, that you should be subject to discipline?

14 MS. STANLEY: Objection.

15 A Yes.

16 MS. STANLEY: Calls for speculation.

17 JUDGE ROSAS: Sustained.

18 MS. STANLEY: If she answered, I would move to strike the
19 answer.

20 JUDGE ROSAS: Stricken.

21 Q BY MR. BALSAM: With respect to Mr. Nuzzo's termination
22 meeting, you acknowledge that you did not hear the full extent
23 of what was discussed, correct?

24 A Yes.

25 Q And in fact, you were not in the backroom when Mr. Nuzzo

1 went to the back of the store, correct?

2 A No.

3 Q So you have no idea what transpired in the back of that
4 room?

5 A Yes.

6 MR. BALSAM: Nothing further.

7 JUDGE ROSAS: Redirect?

8 MS. STANLEY: No, Your Honor.

9 JUDGE ROSAS: Your testimony is concluded. Thank you for
10 coming today. Do not discuss your testimony with anyone until
11 you're advised by counsel that the record in the case is
12 closed. All right?

13 THE WITNESS: Okay.

14 JUDGE ROSAS: Have a good day.

15 THE WITNESS: Thank you.

16 MS. CACACCIO: If I could just have one minute to check
17 the hallway, Judge.

18 JUDGE ROSAS: Off the record.

19 (Off the record at 9:23 a.m.)

20 MS. CACACCIO: Good morning, Judge. Sorry. Good morning,
21 Judge. We do have some housekeeping matters before the General
22 Counsel closes its case-in-chief this morning. First, we're
23 looking to withdraw complaint allegations, specifically those
24 related to Destiny Murphy (phonetic throughout) in the
25 complaint. Those are paragraphs 13(p)(vi), 13(p) --

1 JUDGE ROSAS: Hold on. 13 --

2 MS. CACACCIO: -- (p) as in Paul, (v) as in Victor, (i) as
3 in Igor or I. 6. 13(p)(6). 13 --

4 JUDGE ROSAS: Let's go off the record for a minute.
5 (Off the record at 9:25 a.m.)

6 JUDGE ROSAS: All right. So do it again.

7 MS. CACACCIO: Okay. Let me know when we're on.

8 THE COURT REPORTER: We're on.

9 MS. CACACCIO: Okay. Good morning, Judge. Just to be a
10 little bit clearer, we're going to be draw -- withdrawing
11 complaint allegations that are related to a Destiny Murphy.
12 Those are paragraph 13(p)(vi), paragraph 13(p)(vii), and
13 paragraph 13(q)(iv). And per your instruction, we will issue a
14 redlined complaint, including the amendments and changes that
15 we've made orally.

16 We also have documents to enter at this point. We have
17 substituted General Counsel transcript exhibits that had
18 happened very early on in the proceeding, prior to us working
19 out what we ended up working out throughout the proceeding.
20 Those are General Counsel transcript exhibits 26(b), 27(b),
21 28(b), 29(b), and 30(b). Those were circulated to Respondent's
22 counsel --

23 I think over the weekend is when you got those, probably?

24 And so we're offering those as substitution at this time.

25 Those were with witness -- the first witness for the General



1 Counsel's case, Michelle Eisen.

2 JUDGE ROSAS: So I have up here --

3 MS. CACACCIO: There --

4 JUDGE ROSAS: -- 26(b) through --

5 MS. CACACCIO: Yeah. So there's 26, 27, 28, 29, and 30.

6 Then there's two more that I'm going to talk about in a second.

7 Those are a little bit different.

8 Okay. Is there an issue with those, or are those
9 substituted?

10 MS. POLITO: I don't believe there's an issue, Judge.

11 MS. CACACCIO: Okay.

12 MS. POLITO: Sorry.

13 MS. CACACCIO: Okay.

14 MS. POLITO: I didn't know you were waiting for me.

15 Just give me the numbers again, Jessica.

16 MS. CACACCIO: Yep.

17 MS. POLITO: 26, 27, 28, and 30, right?

18 MS. CACACCIO: 29 and 30.

19 MS. POLITO: 29.

20 MS. CACACCIO: It's 26 through 30.

21 MS. POLITO: Okay.

22 **(General Counsel Exhibit Numbers 26(b), 27(b), 28(b), 29(b) and**
23 **30(b) Received into Evidence)**

24 MS. CACACCIO: And then there's another one, which is

25 34(b), which we're offering at this time. It was in similar



1 circumstance, as well as 43(b).

2 JUDGE ROSAS: Okay. Any objection to replacing it?

3 MS. POLITO: Are those revised? I don't know --

4 MS. CACACCIO: Yep.

5 MS. POLITO: -- what those are.

6 MS. CACACCIO: Those are revised transcripts.

7 MS. POLITO: Oh.

8 JUDGE ROSAS: So these replace the original exhibits?

9 MS. CACACCIO: Right. 34(b) and 43(b) need to be -- I --
10 my -- my understanding from the court reporting service is that
11 those have to be offered. But those were -- we had gone over
12 them, and those were 40 -- 34(a) and 43(a) are already in the
13 record. These are the transcripts that go along with those.

14 THE COURT REPORTER: They weren't --

15 JUDGE ROSAS: Oh, these are new?

16 THE COURT REPORTER: They weren't admitted originally.

17 JUDGE ROSAS: Okay.

18 MS. CACACCIO: Right. Because they had to be redone.

19 JUDGE ROSAS: Any objection?

20 MS. CACACCIO: Right.

21 MS. POLITO: No objection, Judge.

22 JUDGE ROSAS: So General Counsel's 34(b) is received.

23 **(General Counsel Exhibit Number 34(b) Received into Evidence)**

24 MS. CACACCIO: And 43(b).

25 JUDGE ROSAS: No objection, right?

1 MS. POLITO: No objection, Judge.

2 JUDGE ROSAS: General Counsel's 43(b) is received.

3 **(General Counsel Exhibit Number 43(b) Received into Evidence)**

4 MS. CACACCIO: Okay. We also have exhibits from
5 Respondent's production that we're offering, and they're --
6 okay. It's General Counsel Exhibits 165 to 171. We're
7 offering them as business records.

8 MS. POLITO: I'm just going to ob -- object to those at
9 this point, Judge, without any testimony relating to those
10 exhibits.

11 JUDGE ROSAS: Well, we'll hear what the offer of proof is.

12 MS. CACACCIO: These are documents that were produced in
13 conjunction with Respondent's subpoenaed production. They're
14 business records of Respondent. And pursuant to what we've
15 been doing right along, I didn't expect us to need a witness
16 for this.

17 JUDGE ROSAS: Okay. Let's go off the record.

18 (Off the record at 9:32 a.m.)

19 MS. POLITO: We've --

20 JUDGE ROSAS: Respondent?

21 MS. POLITO: We've looked at the exhibits that counsel for
22 the General Counsel wants introduced into evidence without
23 testimony. And our objection is that the -- yes, they were
24 documents that were produced through the course of this, in
25 response to the subpoena. But counsel for the General Counsel

1 should have to cross-examine a witness with respect to the
2 introduction of those exhibits.

3 Otherwise, the mere introduction of them -- I don't know
4 what the relevance is, other than just reading them. I mean,
5 she should have to have her witness on the stand, follow the
6 natural course of stating why the objection -- or the document
7 is relevant, and admitting it in that fashion.

8 JUDGE ROSAS: General Counsel, what's the relevance of 165
9 and 166?

10 MS. CACACCIO: Sure. 165 and 166 are documents that were
11 produced, obviously, in conjunction with the subpoenaed
12 production. They are documents that went to the managers at
13 Transit Commons for GC-166, and for 165, the managers -- the
14 store manager at Transit and Maple. They discuss the store
15 meetings that were held, whether the store was closed or open
16 for them, whether partners were being paid for them, and makeup
17 meetings for those -- for the -- for the store meetings that
18 were being held.

19 All of which is --

20 JUDGE ROSAS: Do you -- do you dispute the relevance?

21 MS. POLITO: Well, we've had --

22 JUDGE ROSAS: Based on that offer of proof?

23 MS. POLITO: Well, no, no, I don't, Judge. But we've had
24 testimony on that, and then I -- I still think that they're
25 required to have someone on the stand and introduce the

1 document that way.

2 JUDGE ROSAS: Well, the documents are authenticated.
3 She's provided an offer of proof as to the relevance of it,
4 which suffices, based on the allegations in the complaint. So
5 the objection as to 165 and 166 is overruled.

6 **(General Counsel Exhibit Numbers 165 and 166 Received into**
7 **Evidence)**

8 JUDGE ROSAS: Next.

9 MS. CACACCIO: For --

10 JUDGE ROSAS: What else?

11 MS. CACACCIO: Yep. For General Counsel 167, this --
12 these are emails between the recruiter that Respondent hired
13 and managers. Specifically, it discusses who -- who
14 essentially determines what hiring was required or needed at --
15 at this time that these emails were sent. It discusses Walden
16 & Anderson specifically, which is complaint allegation as to
17 the authority as to hiring.

18 And we're offering it, obviously, as a business record of
19 Respondent.

20 MS. POLITO: And Judge, I would note that it's an email
21 exchange, not a business record.

22 MS. CACACCIO: If I might be heard, Judge? It's an email
23 exchange between two people in Respondent's business, making it
24 a business record.

25 JUDGE ROSAS: You keep asking me if you may be heard.

1 I'm -- at some point, I'm going to say, no --

2 MS. CACACCIO: Tell no?

3 JUDGE ROSAS: -- you may not.

4 So it's -- it's a business record. Overruled. General
5 Counsel's 167 is received.

6 **(General Counsel Exhibit Number 167 Received into Evidence)**

7 MS. CACACCIO: General Counsel's 168 is a message from
8 Allyson Peck, who is a manager named in the complaint, on
9 August 22nd, to the Buffalo partners, about what changes have
10 been made -- I'm sorry -- October 22nd of 2021 -- I don't know
11 what I said, but I meant to say October -- it's at the top of
12 the page -- about the changes that Respondent has made, and
13 also discusses the union, as well.

14 (Counsel confer)

15 MS. POLITO: Judge, if you're inclined to allow the
16 documents to be introduced into evidence without having
17 testimony, then we're -- we're not going to object. I don't
18 think it's necessary to go through this exercise for every
19 document.

20 JUDGE ROSAS: I want offers of proof as to each and every
21 one of them, in any event.

22 MS. POLITO: Okay.

23 JUDGE ROSAS: Okay. All right. So your objection is
24 overruled on that basis, with respect to the need to call a
25 witness to testify to the documents.

1 General Counsel 168. Oh, you had just talked about 168.

2 MS. CACACCIO: Yes, Judge.

3 JUDGE ROSAS: All right. Okay. So that's been admitted.

4 **(General Counsel Exhibit Number 168 Received into Evidence)**

5 MS. CACACCIO: General Counsel 169 is a corrective action
6 form made to a Chris (phonetic throughout) Casamassa. We have
7 alleged in the complaint a stricter enforcement of dress code
8 policy, and this document goes directly to that complaint
9 allegation. It's General Counsel Exhibit 169.

10 JUDGE ROSAS: Any comment in relation to any of these,
11 Respon --

12 MS. POLITO: I would just say -- note, Judge, for the
13 record, that this individual is not named anywhere in the third
14 amended complaint, and it's not -- not an individual references
15 one of the allegations (sic).

16 JUDGE ROSAS: General Counsel's 169 is received.

17 **(General Counsel Exhibit Number 169 Received into Evidence)**

18 MS. CACACCIO: General Counsel Exhibit 170 is a letter to
19 an Aimee Alumbaugh from Deanna Pusatier, which is signed by Ms.
20 Alumbaugh digitally. This is directly related to the support
21 managers.

22 JUDGE ROSAS: Okay.

23 MS. POLITO: Excuse me, Judge.

24 Ready, Judge.

25 JUDGE ROSAS: Okay. Okay.

1 MS. CACACCIO: From General Counsel 170 -- that's where we
2 left off.

3 MS. POLITO: I have no objection to 170, Judge.

4 JUDGE ROSAS: Okay. 170's received.

5 **(General Counsel Exhibit Number 170 Received into Evidence)**

6 MS. CACACCIO: General Counsel Exhibit 171 are messages
7 that were sent to the employees of the Genesee Street store,
8 regarding a meeting on Monday, November 8th.

9 MS. POLITO: No objection, Judge.

10 MS. CACACCIO: Per your instruction, Judge, we reached out
11 to Respondent on Tuesday, August --

12 JUDGE ROSAS: Hold on. How many pages is it all together?
13 I was just counting.

14 MS. CACACCIO: Yeah, I think it's 38. Front and back, so
15 it's half of that.

16 JUDGE ROSAS: 38.

17 MS. CACACCIO: Yeah.

18 JUDGE ROSAS: 171 objection?

19 MS. POLITO: No, Judge.

20 JUDGE ROSAS: General Counsel's 171 is received.

21 **(General Counsel Exhibit Number 171 Received into Evidence)**

22 MS. POLITO: Judge, before we move onto another issue, I'd
23 like to circle back to the third amended complaint for a
24 moment. When Mr. Almond was testifying, he actually denied
25 taking a photograph of an employee. And so if the counsel for

1 the General Counsel is amending the third amended complaint,
2 I'd ask that they withdraw allegation 8(a) on page 18 to
3 conform with the proof at this trial.

4 MS. CACACCIO: May I? Judge, we had another witness
5 testify to that issue, so we will not be withdrawing that
6 complaint allegation at this time.

7 JUDGE ROSAS: Anything else?

8 MS. CACACCIO: Yes, Judge. Per your instruction, we
9 reached out to Respondent on August 23rd via email about issues
10 we had with their subpoenaed production. We requested a repeat
11 of production number 7, due to issues in that production. We
12 asked for that to be produced to us by Friday at 5 p.m. We
13 also asked Respondent to certify, per Federal Rule of Civil
14 Procedure 26(g), whether production's complete, for either in
15 total or for specific portions of the subpoenas that we've
16 issued. And to date, we've received no response to either
17 inquiry.

18 MS. POLITO: Judge, my understanding is that the counsel
19 for the General Counsel received documents in a PDF format, and
20 their concern was that it was not searchable. So we have asked
21 that -- if our outside vendor can produce that in the fashion
22 that makes it searchable, which, for the record, I don't
23 believe we have any obligation to do. We've received all of
24 our documents via PDF. But we -- we're trying to work through
25 that. And I was hoping that would have been done this weekend,

1 but it has -- it's not ready yet. It might be able to be
2 served today.

3 And with respect to the certification, I just haven't had
4 time to look at it. The email got lost in my inbox. I -- I
5 don't know what our obligations are to certify. We've produced
6 over 20,000 pages of documents in response to the subpoena.
7 I'm hesitant to say that we've produced every single document
8 because, as the Court is aware, the subpoena was completely
9 overly broad.

10 So quite frankly, I'm sure there's probably a document
11 that we haven't produced in response to the subpoena, because
12 our position is we don't have to. So I -- I don't know. I --
13 I'm not going to certify to anything at this point on the
14 record or in writing.

15 MS. CACACCIO: So obviously, Judge, that's problematic.
16 As for the repeat of production 7, obviously, this is the first
17 we're hearing of it, so that's fine. We can -- hopefully we'll
18 get that, and we'll work that out. But as to the
19 certification, that's obviously a problem. It's been weeks and
20 weeks since the subpoenas were issued. If Respondent still is
21 unsure if they have produced everything that we've -- we've
22 asked for, obviously, that's problematic.

23 But what we can do, Judge, is, as the case proceeds, if
24 Respondent tries to enter documents that we haven't received
25 that we believe are pursuant to the subpoena, we can raise it

1 with you again at that time.

2 JUDGE ROSAS: So it's not a -- it -- it's -- it's not that
3 clear an issue when you're dealing with all of the provisions
4 of Rule 26 because, as you all know, that -- that is the
5 discovery provision in the district courts. And the Board has
6 looked to Rule 26 for guidance in connection with the
7 reasonableness, things like the relevance, the over-breadness,
8 privilege -- things of that sort -- things that, as it relates
9 to Board proceedings, may be applied because they're
10 practicable in Board proceedings.

11 So in this instance, I'm going to have to figure out going
12 forward what's practicable, to make sure that everybody feels
13 that they have what they're entitled to. Okay? So we'll have
14 to see, as the Respondent's case proceeds and before the record
15 closes in its entirety, whether the subpoenas have been
16 complied with, quote/unquote.

17 MS. CACACCIO: Yes, Judge.

18 JUDGE ROSAS: Okay? All right. Off the record. Well,
19 no.

20 Before we go off the record --

21 MS. CACACCIO: Yeah.

22 JUDGE ROSAS: -- is there anything else, General Counsel,
23 at this time?

24 MS. CACACCIO: So at this time, we're resting with the
25 understanding that, if we discover something in Respondent's

1 subpoenaed production, that we'll be permitted to either enter
2 those documents or recall witnesses if necessary.

3 JUDGE ROSAS: All right. So the General Counsel otherwise
4 rests at this point?

5 MS. CACACCIO: Yes, Judge.

6 JUDGE ROSAS: Okay. Let's -- let's go off the record.
7 (Off the record at 9:46 a.m.)

8 JUDGE ROSAS: Respondent, second half kickoff.

9 MS. POLITO: We're bringing the train back on the rail,
10 Judge.

11 JUDGE ROSAS: I'm sorry?

12 MS. POLITO: Bringing the train back on track -- that was
13 our analogy from the first week, that we thought the train had
14 derailed, so we're going to try to bring it on track for you.

15 JUDGE ROSAS: Well, I hope it's more like an Acela. Mr.
16 Balsam knows what I'm talking about.

17 MS. POLITO: Good morning, Your Honor. Starbucks
18 Corporation respectfully submits that the General Counsel has
19 failed to meet her burden. The third amended complaint has
20 close to 300 allegations of alleged unfair labor practices,
21 none of which, under current Board law, are a violation. This
22 case though is clearly not about current law. It is about the
23 creation of new law on the back of one of the most progressive
24 companies in this country that clearly offers its partners a
25 wide array of substantial benefits like no other company.

1 Despite the assertions of Starbucks' alleged anti-union
2 campaign, the actual evidence, as presented in this courtroom
3 to date, proves the following. Each of the approximately 30
4 disciplinary incidents referenced in the complaint were the
5 result of admitted misconduct and violation of clear Starbucks
6 policies. In fact, one partner admitted misconduct by telling
7 his boss that he wished he had died.

8 The market has over 400 employees. The aggressive union
9 campaign commenced in August 23rd of 2021. None of the alleged
10 disciplinary actions occurred until close to six months after
11 the campaign started and after there were two elections in
12 favor of the union. So there's clearly no indication of
13 retaliation. In fact, the evidence demonstrates that
14 disciplinary action was taken very carefully, very
15 thoughtfully, and only in those circumstances where the
16 partners themselves admitted to violations of the policies.

17 None of the alleged terminations even occurred until way
18 into 2022, after the union victories. Moreover, the evidence
19 to date has demonstrated that, every time a partner was
20 terminated, the union, through their aggressive and
21 far-reaching social media accounts, which there was testimony
22 that more than 85,000 people follow, used each termination to
23 further galvanize support for the union locally and nationally.
24 At the end of the day, the union's aggressive tactics have
25 worked. 8 of the 20 stores in the area have voted to unionize.

1 You will hear evidence in our case-in-chief that, as a
2 result of the pandemic and other factors, the Buffalo market
3 was operating below standards. In fact, most of the partners
4 have testified and admitted that the market was operating below
5 standards. Management was in the process of addressing those
6 substandards prior to the start of the union campaign on August
7 23rd, 2021.

8 Once they arrived in the Buffalo market, it became clear
9 that the scope of the problem needed substantial help. There
10 were serious staffing issues. The facilities were in a state
11 of disrepair. They were at risk of losing customers. And as a
12 result, they did in fact bring in store support managers, as
13 they've done in other markets, to support the Buffalo market
14 and bring it to standard. That process is ongoing as we sit
15 here today, because the conditions were so poor that the market
16 continues to be worked on to bring it up to standard.

17 One of the solutions that the company engaged in to
18 address staffing issues and training issues was to create a
19 centralized training facility. This had nothing to do with
20 union organizing, but everything to do with the partner
21 experience and the customer experience. The training store was
22 created to assist with staffing problems that the market faced.
23 And after the initial training facility was created, other
24 training facilities in the area were created to further assist
25 partners to become excellent baristas and serve this community.



1 Due to the ongoing issues in the market, store support
2 managers and other support managers, through operations and at
3 the district level, came into the market to support not only
4 the managers, but to support the operational needs and facility
5 needs in the market. These store support managers did not,
6 contrary to the Board's assertion, come in to surveil the
7 employees. They did not come in to wear headsets to listen to
8 private conversations, which, by the way, the partners were not
9 entitled to have. The store support managers came in to build
10 this market back up so that it could be an excellent market for
11 the customers, as well as the partners.

12 The Court has heard that, at no time during this process,
13 were the partners hindered in their aggressive campaign,
14 because they communicated regularly through GroupMe chats,
15 weekly meetings at the union, through Facebook, through text
16 messages, and through other social media forums, such as TikTok
17 and Snapchat, to share their opinions with respect to their
18 union activities. There simply is no evidence that that was
19 hindered in any fashion by the managers coming in to support a
20 substandard market, which the company had every right to do.

21 In addition, to address the substandard conditions,
22 Starbucks held a number of listening sessions. All of these
23 were appropriately legal. While counsel for the General
24 Counsel tries to label these as captive audience meetings, the
25 current law is that the company has every right to hold

1 listening sessions. The partners were paid to attend. The
2 sessions were not mandatory, as most partners testified to
3 truthfully.

4 At every session, a union supporter was present with
5 talking points. We heard from Mr. Bensinger, who indicated
6 that he provided talking points to the partners, so that they
7 could go to every listening session and present their version
8 as to why the union should be supported. It's clear --

9 JUDGE ROSAS: So hold on one second.

10 MS. POLITO: Um-hum.

11 JUDGE ROSAS: So Bensinger doesn't apply in my case.

12 MS. POLITO: Correct.

13 JUDGE ROSAS: But this is something that'll address the
14 10(j)?

15 MS. POLITO: Correct, Judge. You just heard the
16 testimony.

17 JUDGE ROSAS: Okay.

18 MS. POLITO: Right? Which is -- again, was part of our
19 objection to you listening to the testimony. So I thought it
20 was important for you to hear that confirmation that in fact
21 the union supporters were provided with -- with talking points
22 at every listening session. And regardless, Judge, as you
23 heard week 1 when we listened to the recordings, at every
24 listening session, there were partners that were present that
25 were challenging the Starbucks officials and raising support

1 for the union during those listening sessions.

2 Starbucks did not solicit grievances, make promises, make
3 threats, and certainly did not interrogate partners. The
4 company came to a substandard market that was operating in a
5 state of disrepair. They were well within their legal rights
6 to communicate directly with the partners with respect to
7 substandard conditions in the market.

8 They were also well within their rights to fix issues such
9 as a moldy carpet, excessive bees, fruit flies, things of that
10 nature. They did not have an obligation to wait to address
11 those issues, particularly in the food industry, where safety
12 is a primary concern for both the partners as well as the
13 customers.

14 We also heard a lot of testimony from the counsel for
15 General Counsel about nationwide wage increases and the
16 allegation that those were not discussed until after the
17 campaign in August of 2021. This is in fact not true. And the
18 evidence will demonstrate that, more than a year earlier, there
19 were discussions about wage increases as a result of the
20 pandemic, as a result of getting people back to work, as a
21 result of the conditions that partners faced returning to work
22 post-pandemic.

23 Additionally, the evidence has shown and will continue to
24 show that, after conducting a level reset with respect to
25 certain policies and procedures, Starbucks enforced those

1 policies uniformly across the market, again, well within their
2 rights to enforce policies and procedures that, at times, were
3 not applied across the board.

4 Starbucks had every right to come in and meet with their
5 partners, reinforce the policies and procedures. And as we
6 heard from many of the partners, they were given notice. They
7 were asked to sign documents. And they were not disciplined
8 until after they had time to address their behaviors.

9 With respect to the Walden Galleria kiosk, the evidence
10 will show that it was closed due to established business
11 reasons, which stemmed primarily from the pandemic, and which
12 were addressed throughout the country, as the market for kiosks
13 in malls dwindled as a result of the lack of foot traffic to
14 malls across the country, as a result of the pandemic.

15 In reference to the proposed Gissel bargaining order at
16 Camp Road, there is simply no evidence to support such an
17 egregious request. There are no facts to support a bargaining
18 order at Camp Road, and there is no evidence in the record to
19 support such an extraordinary remedy for any alleged activity
20 that occurred at that store. Counsel for General Counsel's
21 attempt to use items that occurred in the market is simply
22 misplaced.

23 Finally, Judge, there's been much in the media about
24 Starbucks, but the fact of the matter is this. The aggressive
25 union campaign is what's driving the social media here. They

1 attack Starbucks at every turn. They use every disciplinary
2 action to curry favor for their position. They have been the
3 most highly aggressive campaign, routinely posting on social
4 media, making threatening innuendo, posting where parties are
5 staying through social media, showing up at hotels in groups
6 with union T-shirts, as a veiled threat to counsel.

7 They chalk windows with personal cell phone numbers of
8 store managers, making it difficult for this market to continue
9 to improve and get people to work there, due to their
10 aggressive nature. And they encouraged customers to call the
11 stores at various times throughout this campaign, which
12 resulted in several managers receiving death threats.

13 At the end of the day, Starbucks has taken the high road,
14 Your Honor, and it's continued to focus on the operational
15 needs of this market. At no time have they told any partners
16 not to engage or discuss union activities, as testified to by
17 the partners themselves that came in here. And they are simply
18 trying to bring the market to standard and continue to operate
19 in the Buffalo market. Thank you, Your Honor.

20 JUDGE ROSAS: All right. Off the record.

21 (Off the record at 9:59 a.m.)

22 JUDGE ROSAS: Respondent, who do you call?

23 MS. POLITO: Your Honor, we're calling Tiffany Mann to the
24 stand.

25 JUDGE ROSAS: Raise your right hand.

1 Whereupon,

2 **TIFFANY MANN**

3 having been duly sworn, was called as a witness herein and was
4 examined and testified as follows:

5 JUDGE ROSAS: All right. State and spell your name and
6 provide us with an address.

7 THE WITNESS: With what?

8 JUDGE ROSAS: State and spell your name and provide us
9 with an address. Business address is fine.

10 THE WITNESS: Oh, okay. Tiffany Mann, T-I-F-F-A-N-Y
11 M-A-N-N. 4770 Transit Road, Depew, New York. I don't know the
12 zip code.

13 MS. POLITO: Judge, just for housekeeping, would you like
14 us to give the exhibits to counsel now or during the testimony?

15 JUDGE ROSAS: So what I prefer is that you group all the
16 exhibits in front of the witness, distribute them to counsel,
17 to me, if any --

18 MS. POLITO: Sorry, Judge.

19 JUDGE ROSAS: -- so this --

20 MS. POLITO: That's not done yet. So if you give me a few
21 minutes --

22 JUDGE ROSAS: All right. So let's -- let's go off the
23 record for a few minutes.

24 (Off the record at 10:08 a.m.)

25 MS. POLITO: I'd like to move Exhibits 27 through 87 into



1 the record, Your Honor. This morning, I did send to the Court
2 and opposing counsel the supplemental hearing exhibits. We had
3 discussed these, I think, during week 3. I've conferred with
4 counsel for the General Counsel as to how we've identified
5 them. There's been agreement with respect to how we identify
6 them. And at this point in time, I'd move 27 through 87 into
7 evidence.

8 MS. STANLEY: No objection.

9 JUDGE ROSAS: So just tell me generally, Counsel, what
10 Respondent's 27 through 87 are.

11 MS. POLITO: Sure. I did in -- I think I included you on
12 the email, Your Honor, this morning.

13 JUDGE ROSAS: You may have.

14 MS. POLITO: Yep.

15 JUDGE ROSAS: I just want to make sure that I'm -- I'm
16 aware of all the context that's --

17 MS. POLITO: Sure.

18 JUDGE ROSAS: -- in the record.

19 MS. POLITO: 27 through 41 are copies of subpoena duces
20 tecums. 42 is a petition to revoke the subpoena duces tecum.
21 43 is a subpoena ad testificandum for Michelle Eisen. 44 is a
22 special permission. 45 is a subpoena. 46 is the Union's
23 petition to revoke. 47 is the opposition. Primarily the
24 pleadings, if you will, Your Honor. 48 through 60 are the
25 General Counsel's petition to revoke subpoenas. 61 through 73

1 are the Union's petition to revoke subpoenas. 74 is a email
2 from Your Honor regarding an update on the subpoenas.

3 The -- 75 is the order granting the petition to revoke.
4 76 is Starbucks' opposition to GC's petition to revoke. 77 is
5 Starbucks' opposition to Union's petition to revoke. 78 is
6 Union's petition to revoke subpoenas. 79 is an email from Your
7 Honor on July 20th, 2022, regarding the -- I believe it's
8 regarding the subpoena issue. It references a status update.

9 Number 80 is the GC's motion to reconsider the July 20th,
10 2022, order regarding the transcripts. 81 is the GC's petition
11 to revoke subpoenas. 82 is the email, GC supplement to motion
12 to reconsider. 83 is the order granting in part petition to
13 revoke Starbucks' subpoenas. 84 is GC's motions for
14 evidentiary sanctions. 85 is Starbucks' opposition to GC's and
15 Union's petition to revoke. 86 is omnibus order granting in
16 part petitions to revoke. And 87 is Starbucks' opposition to
17 motion for evidentiary sanctions.

18 JUDGE ROSAS: Okay. All right.

19 MS. POLITO: Okay.

20 **(Respondent Exhibit Numbers 27 through 87 Received into**
21 **Evidence)**

22 MS. POLITO: Can we have five minutes, Judge? My
23 apologies.

24 JUDGE ROSAS: Off the record.

25 (Off the record at 10:16 a.m.)

1 MS. POLITO: We're on the record?

2 THE COURT REPORTER: We are on the record.

3 MS. POLITO: Great.

4 Thank you, Your Honor.

5 **DIRECT EXAMINATION**

6 Q BY MS. POLITO: Good morning again, Ms. Mann. Thank you
7 as we -- for your patience as we figured out our exhibits. Can
8 you state your name again for the record, please?

9 A Tiffany Mann.

10 Q And where do you work, Ms. Mann?

11 A I work in Buffalo, New York.

12 Q And who do you work for?

13 A Starbucks Coffee Company.

14 Q And how long have you been employed by Starbucks Coffee
15 Company?

16 A Over 11 years.

17 Q And when you were first hired, what role did you have?

18 A Barista.

19 Q And where was that?

20 A It was in Collinsville, Illinois.

21 Q What was your next role?

22 A My next role was shift supervisor.

23 Q And where was that?

24 A In Collinsville, Illinois.

25 Q And then what was your next role after that?



1 A Store manager.

2 Q And when did you become a store manager?

3 A In 2016.

4 Q And --

5 A In June of 2016.

6 Q In what store were you the store manager?

7 A Graham Road and I-270, in North County, St. Louis.

8 Q And when you became a store manager, can you tell us
9 generally what your job duties were?

10 A It was to implement and uphold all Starbucks standards and
11 procedures, build capabilities in my teams in order to deliver
12 on the Starbucks experience, and to craft plans that move the
13 work forward to deliver on our metrics.

14 Q And if you can turn over that stack of exhibits I just put
15 in front of you, as a store manager, did you have a job
16 description?

17 A Yes.

18 Q Can you take a look at Exhibit Number 88, please?

19 Is that the job description for store manager?

20 A Yes.

21 MS. POLITO: Your Honor, I move to admit Exhibit Number 88
22 into evidence.

23 MS. STANLEY: Voir dire, Your Honor?

24 **VOIR DIRE EXAMINATION**

25 Q BY MS. STANLEY: Hi, Ms. Mann. Were you provided with



1 this job description when you became a store manager?

2 A Yes.

3 Q This is the one you were given?

4 A Yes.

5 Q Okay.

6 MS. STANLEY: No objection.

7 JUDGE ROSAS: Respondent Exhibit 88 is received.

8 **(Respondent Exhibit Number 88 Received into Evidence)**

9 **RESUMED DIRECT EXAMINATION**

10 Q BY MS. POLITO: How long were you store manager at that
11 store that you just discussed?

12 A About a year and a half.

13 Q And what was your next job with Starbucks?

14 A Store manager.

15 Q And where was that?

16 A In Edwardsville, Illinois.

17 Q And how long did you hold that job?

18 A Until February of 2022.

19 Q Tell us about the size of the store that you operated as
20 store manager in Illinois.

21 A So the store that I operated in Illinois was considered a
22 high-volume store. I had a staff of anywhere from 40 to 50
23 partners. And then our volume of sales each week was anywhere
24 from 70- to 80,000 dollars a week.

25 Q Were you a store manager during the pandemic?



1 A I was.

2 Q And how did that impact your store?

3 A It didn't. We were one of the only stores that remained
4 open the entirety of the pandemic. We never closed.

5 Q Were your partners required to work during that time
6 period if they did not want to work?

7 A No. It was voluntary. But my partners chose to work, and
8 so I chose to stay with my partners and to work.

9 Q And for the store that you managed in Illinois, you said
10 it was a high-volume store. Can you tell us what different
11 channels were available at that store?

12 A Yes. So we had delivery, mobile order and pay, cafe, and
13 drive-thru.

14 Q And can you explain to us what mobile order and pay is?

15 A Yes. It is where a customer can utilize our mobile app
16 and make a purchase ahead of time, and then it will be ready
17 for them when they come in to pick it up at our hand-off plane.

18 Q And what is delivery?

19 A Delivery is through Uber Eats. So the customers can
20 utilize Uber Eats and place an order through that. And then we
21 consolidate the order and package it up for the delivery
22 drivers, who then come and pick it up and take it to our
23 customers.

24 Q And drive-thru?

25 A Drive-thru is that the cars are able to wait in line,



1 order at the speaker box, and then pull forward and get their
2 order at our window.

3 Q And what about cafe?

4 A The customer comes inside, orders at the register, and
5 then they wait in the cafe until their order's ready at the
6 hand-off plane.

7 Q Are there any other channels for ordering coffee or food
8 at Starbucks?

9 A Not to my knowledge, no.

10 Q And so your store had all four available channels --

11 A That's cor --

12 Q -- when you were in Illinois?

13 A Yes, that is correct.

14 Q Do all stores have all available channels?

15 A No.

16 Q After the pandemic, did the delivery and mobile orders
17 increase?

18 A Yes.

19 Q Do you know by how much?

20 A For my store specifically, we saw an increase of about 15
21 percent. Previously, our mobile order channel was around 10 to
22 12 percent, and then post -- well, actually, during the COVID
23 pandemic, we would steadily see an increase. The last time
24 that I looked at those numbers, we were at about 27 percent.

25 Q During the time that you were in Illinois, who had the



1 authority to turn off a channel?

2 A Myself and my district manager.

3 Q During the time period that you were open, did Starbucks
4 have a number of protocols with respect to COVID screening?

5 A Yes.

6 Q And generally speaking, tell us what those were.

7 A So it -- it was a process that did evolve throughout the
8 pandemic. Originally, we were -- were required to wear facial
9 coverings and also monitor our temperature. And if our
10 temperature was over 99 degrees, then we would have to go home.
11 And we were required to utilize a COVID check-in to ensure that
12 we didn't have any symptoms that were consistent with COVID.
13 We would fill that out on a COVID log, and then it would have
14 to be signed off on by a shift supervisor or above.

15 Q Did you have something called COVID Coach?

16 A Yes.

17 Q What was that?

18 A It was a digital app on our iPad that would go through the
19 questions, that would ask us specific questions related to
20 COVID symptoms. And if we had two or more symptoms, then we
21 would be required to go home.

22 Q What was your next job after being store manager?

23 A I was a -- a district manager in February.

24 Q And you became district manager February of 2022?

25 A That's correct.



1 Q And tell us generally what your job duties are as a
2 district manager.

3 A As a district manager, I am required to build the
4 capabilities of my store managers, to support them in creating
5 action plans and in supporting the work that they do. I also
6 help support them with any partner relations-related issues
7 that come up in the store and really act as a thought partner
8 with them, in order to help sustain the business and ensure
9 that all Starbucks standards are implemented.

10 Q Can you take a look at Exhibit Number 89, please?

11 Is that the job description for a district manager?

12 A Yes.

13 Q Is that the job description you received when you became
14 district manager?

15 A Yes.

16 MS. POLITO: Your Honor, I move Exhibit 89 into evidence.

17 MS. STANLEY: Just brief voir dire, Your Honor.

18 **VOIR DIRE EXAMINATION**

19 Q BY MS. STANLEY: If you could look at the very bottom line
20 of the first page of 89, are you able to read the part
21 that's -- that's kind of overlapped, toward the end of that?

22 A "To identify and address trends and issues in district
23 performance".

24 Q Thank you. Can you do the same thing on the following
25 page?

1 A "The expectation of internal and external customer".

2 Q Okay.

3 MS. STANLEY: No objection.

4 JUDGE ROSAS: Respondent Exhibit 89 is received.

5 **(Respondent Exhibit Number 89 Received into Evidence)**

6 **RESUMED DIRECT EXAMINATION**

7 Q BY MS. POLITO: Can you tell me generally how the store in
8 Illinois was structured when you were store manager?

9 A Yes. So I led a team of shift supervisors. I had seven
10 shift supervisors. And I supported in building their
11 capabilities, so that way, when I wasn't in the building, the
12 standards and expectations and the Starbucks experience would
13 still be alive in the store. And so a lot of my work was
14 really focusing on building up their knowledge and their
15 ability to coach and lead, really leaning into the shift
16 supervisor approach, to make sure that they knew what was
17 expected of them.

18 Q What were the shift supervisor duties?

19 A The shift supervisor duties were to deploy the floor,
20 utilizing our play builder tool. They were also responsible
21 for ordering and ensuring that our orders were received
22 accurately. They were in charge of cash management and
23 ensuring that we were doing proper cash handling. They were
24 responsible for coaching partners in the moment, if partners
25 were not delivering on the Starbucks experience, or to also

1 recognize partners when they were delivering on the Starbucks
2 experience.

3 Q Can you take a look at Exhibit 90?

4 Is that a job description for a shift supervisor?

5 A Yes, it is.

6 Q Can you just take a look through that job description and
7 see if that generally states the job duties for a shift
8 supervisor at Starbucks?

9 A Yes.

10 MS. POLITO: Your Honor, I move Exhibit 90 into evidence.

11 MS. STANLEY: No objection.

12 JUDGE ROSAS: When was this applicable?

13 I'm asking the witness.

14 THE WITNESS: Oh. This would have been applicable -- I
15 mean, as most recently as, like, yesterday. And the job
16 description itself, I would say, is -- is still applicable
17 within the last -- 2016.

18 JUDGE ROSAS: Since 2016?

19 THE WITNESS: Yes.

20 JUDGE ROSAS: Okay. Respondent Exhibit 90 is received.

21 **(Respondent Exhibit Number 90 Received into Evidence)**

22 Q BY MS. POLITO: To your knowledge, can someone get hired
23 at Starbucks as a shift supervisor?

24 A Yes. They can get hired as a shift supervisor.

25 Q And under what circumstances, to your knowledge?

1 A They need to have one year of customer service experience.

2 Q What about if they're employed at Starbucks? In order to
3 get promoted to shift supervisor, what's the general
4 understanding as to the time for promotion?

5 A A minimum of six months.

6 Q Can you take a look at number -- Exhibit 91, which is in
7 front of you, please?

8 Do you recognize that document?

9 A Yes.

10 Q What is that document?

11 A This is the document that we'll typically use in our
12 recruiting, so whenever we run job ads on Indeed or through
13 LinkedIn, in order to share with potential candidates what the
14 job and expectations would be.

15 Q And does this recruiting ad indicate the time of
16 experience needed to be hired as a shift supervisor?

17 A Yes. It says, "Summary of experience: Customer service
18 experience in a retail or restaurant environment, one year".

19 MS. POLITO: I move to have Exhibit 91 entered into
20 evidence.

21 MS. STANLEY: Voir dire?

22 **VOIR DIRE EXAMINATION**

23 Q BY MS. STANLEY: Ms. Mann, did you create this document
24 that's Exhibit 91?

25 A No.



1 Q How are you familiar with it?

2 A Because as part of our role when I was a store manager and
3 also as a district manager, we get visibility to these, and we
4 are also asked to share them on our LinkedIn profile, in order
5 to create more awareness and opportunity to come and join
6 Starbucks.

7 Q But this isn't something you created yourself --

8 A No.

9 Q -- or had a role in? And you don't -- you don't maintain
10 this as part of your job?

11 A I don't understand the question.

12 Q Do you -- do you maintain this -- this document somewhere
13 as -- as part of your job to give it to people, to provide to
14 people?

15 A Well, yes, when I post on, like, LinkedIn or things of
16 that nature, if I'm -- if I'm trying to source candidates for
17 my store managers.

18 MS. STANLEY: No objection.

19 JUDGE ROSAS: Again, how long has this been applicable?

20 THE WITNESS: This would have been applicable since 2016
21 because it has the same job expectations as the one that is
22 posted on our job description, Exhibit 90.

23 JUDGE ROSAS: Respondent 91 is received.

24 **(Respondent Exhibit Number 91 Received into Evidence)**

25 **RESUMED DIRECT EXAMINATION**



1 Q BY MS. POLITO: Ms. Mann, you just told us that, in order
2 to be promoted from a barista to shift supervisor, you had to
3 work for a period of six months. Going back to Exhibit Number
4 90, can you tell us where that's located on that exhibit?

5 A Under "Basic qualifications", "Six months of experience in
6 a position that required constant interacting with and
7 fulfilling the requests of customers".

8 Q Now, you also told us that a shift supervisor was
9 responsible for coaching partners in the moment. Can you tell
10 us what that means?

11 A It means that if a partner is not following a specific
12 role or routine, which every one of our positions has roles and
13 routines associated with it, then it is the responsibility of
14 the shift supervisor to support that partner by asking
15 questions, ensuring that they understand the expectations of
16 the role, and giving them guidance on how to make sure that
17 they are accurately executing it.

18 Q Can they issue -- are going to be able to issue a written
19 documentation or corrective action?

20 A Shift superviso --

21 MS. STANLEY: Objection. Relevance.

22 JUDGE ROSAS: Hold on. What -- rele -- relevance as to
23 whether a shift -- shift supervisor is able to discipline?

24 MS. STANLEY: Right there's no -- there's nothing relating
25 to their supervisory status alleged in the complaint.

1 JUDGE ROSAS: What's the --

2 MS. STANLEY: It's just for background information, Judge,
3 as to what their roles and responsibilities are. There is a
4 testimony about coaching and I'm just making the record clear
5 about how that --

6 JUDGE ROSAS: Overruled.

7 MS. STANLEY: -- goes.

8 JUDGE ROSAS: You can answer.

9 A No, shift supervisors were not allowed to issue
10 documentation.

11 Q BY MS. POLITO: What is cash management?

12 A Cash management is the responsibility to ensure that our
13 till ringing procedures are accurately completed by baristas as
14 well as shift supervisors themselves. They're also responsible
15 for creating the deposits. And they're also responsible for
16 counting down the drawers for accuracy every morning and every
17 night. And then they're responsible for counting the safe
18 three times a day. In the morning, they count the safe. In
19 the mid -- in the middle of the day, they're responsible for
20 checking the amount of deposits and tip bags inside of the
21 safe. And in the evening, they're responsible for counting the
22 safe again to ensure it is still at the same amount.

23 Q How many shift supervisors are on duty throughout the
24 course of a -- a typical day?

25 A Anywhere from three to five, it depends on the volume of

1 the store.

2 Q Is there a requirement that a shift supervisor has to be
3 on duty at all times?

4 A The -- the minimum that a shift supervisor's not allowed
5 to be in the building is 30 minutes. However, other than that
6 30 minutes, it is the expectation that there is always a shift
7 supervisor on duty.

8 Q You also mentioned that they're responsible for using the
9 Playbuilder tool. Can you explain to us what the Playbuilder
10 tool is?

11 A Yes. So the Playbuilder is a tool that we utilize in
12 stores. It breaks down the customer channels. So earlier when
13 you were asking me about like mobile order and pay, drive thru.
14 It will show the breakdown of what percentage of customers are
15 using which channel. It will also break down what types of
16 beverages are being ordered. So whether those are cold-bar
17 drinks, hot-bar drinks, food, things of that nature. It will
18 also let the -- let the Play Caller know, let the shift
19 supervisor know what they can expect for any given day part.
20 And then it will make a recommendation as to which Play will
21 best support that business. So that way, the partners can have
22 a clear understanding of their role and routine.

23 Q And does a shift supervisor deploy the baristas to a
24 particular part of the floor to operate the store for the day?

25 A Yes.

1 Q And what are the typical positions at a -- and let's start
2 with your store in Illinois that had all -- all four channels,
3 what -- what would that typically look like for staffing for a
4 day?

5 A For staffing for a day, we would typically have three
6 partners that would open. And so in the morning, when we would
7 have those three partners, we would have a customer support and
8 then a partner that would ring up the transactions and then a
9 partner on bar. And then throughout the morning we would add
10 in more partners. Typically by 7 a.m., my store in Illinois
11 would have a 7- to 8-partner Play, meaning that we would have a
12 front register, two bar partners, a DTO, a DTR, a warming
13 partner, and then a cold-bar partner and then a CS.

14 Q And it -- what was the last one?

15 A CS, customer support position.

16 Q Were there any minimum requirements for staffing at
17 Starbucks?

18 A Yes. There's a minimum of two partners in the building at
19 all times.

20 Q Did there come a time that you were asked to come to the
21 Buffalo market?

22 A Yes.

23 Q And when was that?

24 A That was in October, about a week and a half before
25 Halloween.

1 Q October of what year?

2 A 2021.

3 Q And who asked you to come to the Buffalo market?

4 A My regional director, Aaron Wilson.

5 Q And what were you told?

6 A I was told that this market needed support with operations
7 in the partner experience and that due to the work that I had
8 done in my store in Illinois, I would be a good fit to go up
9 and support those stores with operations in the partner
10 experience.

11 Q Were you told how long your initial assignment would be?

12 A Yes, I was told it would be an 89-day assignment.

13 Q And do you know why you were told it would be 89 days?

14 A At the time, I did not know why it was an 89-day
15 assignment.

16 Q Did you learn later why it was an 89-day assignment?

17 A Yes.

18 Q Why?

19 A Because anything over 89 days would have to be considered
20 a TLA --

21 Q And --

22 A -- a time-limited assignment.

23 Q And what is the time-limited assignment?

24 A It's where we are given stretch roles to where we can go
25 in and do a job duty that we are assigned. And it's typically

1 anything over 90 days and it can be as long as a year in a TLA.
2 But it's built -- it's meant to -- really as a developmental
3 tool.

4 Q And when you came to the Buffalo market, what was your job
5 title?

6 A Support store manager.

7 Q Had you ever heard of support store managers -- prior to
8 being asked to come to Buffalo in October of 2021 as a support
9 store manager?

10 A No.

11 Q Have you heard of that since coming to Buffalo in October
12 of 2021?

13 A Yes.

14 Q Are you aware of whether or not support store managers
15 were used in any other markets other than Buffalo?

16 A Yes.

17 Q And where to your knowledge?

18 A In different parts of the country where we needed to go in
19 and just really, truly support the operations and build the
20 capabilities of the store managers to be able to successfully
21 execute the expectations.

22 Q When you came to Buffalo, were you assigned a particular
23 store?

24 A I was.

25 Q What store?



1 A Transit and French.

2 Q And when you were assigned that store, what was your
3 understanding --

4 MS. POLITO: Strike that.

5 Q BY MS. POLITO: What were you told your job duties would
6 be when you were assigned to Transit French?

7 A To support the store manager, the acting store manager,
8 Jack Morton, in executing plans and standards.

9 Q How long had Jack Morton been the interim store manager?

10 A I don't know off -- I don't know exactly for how long Jack
11 had been the store manager.

12 Q Do you know who the store manager was prior to Jack
13 Morton?

14 A I know that his name was Nick, but I only met him once.

15 Q When you were the support store manager at the Transit
16 French store did you wear a headset?

17 A Yes.

18 Q Why?

19 A Because depending on what role I was in, you're expected
20 to wear a headset in order to best support the customers and
21 your fellow partners.

22 Q Can you explain that more for the Court, please?

23 A Yes. So different positions in drive thru stores
24 specifically need headsets because we are taking orders for our
25 customers in the drive thru. And then typically your DTO, or

1 your drive thru order partner, will wear a headset. And then
2 also the warming partner will wear a headset so that way they
3 can hear as the food is being ordered in order to make sure
4 that they're sequencing properly. Our drive thru bar will also
5 wear a headset so that they can listen to the orders and begin
6 working on them as they're hearing them being ordered. And
7 sometimes the cold-bar partner will also wear a headset. But
8 some of it is dependent on the Play and how many partners you
9 have.

10 Q How many channels does the Transit French store have?

11 A Four. It had mobile order and pay, delivery, drive thru,
12 and cafe.

13 Q The same as your store in Illinois?

14 A Yes.

15 Q When you were a store manager in Illinois, did you wear a
16 headset?

17 A Yes.

18 Q At any point in time. Were you told to wear a headset to
19 listen to the partners' discussions regarding Union activities?

20 A No.

21 Q Were you aware of any Union activities at the Transit
22 French store when you arrived?

23 A Yes.

24 Q And how were you aware?

25 A Because I had -- I had done research before coming up to

1 Buffalo to understand the market that I was coming into and so
2 that I would know how to best support the partner and customer
3 experience so that I could hear what was being said and what
4 support looked like.

5 Q And -- and what did you find when you did your own
6 research online?

7 A Just some things on Reddit and some things on Twitter.

8 Q When you arrived at the Transit French store, were any of
9 the partners expressing their Union support by wearing pins?

10 A Yes.

11 Q Who else was assigned to the Transit French store?

12 A Jack was assigned previous to me joining. And then Taylor
13 Aviar (phonetic throughout) also joined us in order to support
14 Jack's vacations.

15 Q Where was Jack from?

16 A Minnesota.

17 Q How long did he stay at the Transit French store?

18 A The entirety of his assignment, which was September
19 through the end of December?

20 Q And what about Taylor? How long was Taylor there?

21 A Taylor was there from, I believe, Dec -- just the month of
22 December because she -- she left in the first week of January.

23 Q And other than being there to cover when Jack was on
24 vacation, was there any other reason that you were aware of it,
25 that -- why Taylor was assigned to the Transit French store?

1 A Just to ensure that Jack had the support that he needed in
2 order to be able to take his vacations.

3 Q Were there any other support managers assigned to Transit
4 French store during the time that you were there?

5 A No, not to my knowledge.

6 Q How long were you the store support manager at the Transit
7 French store?

8 A I was the support store manager from November 1st
9 through -- through until I was promoted as district manager in
10 February.

11 Q Who became the store manager at the Transit French store?

12 A MG Garcia.

13 Q And when did she become the store manager?

14 A In February.

15 Q Did you -- were you involved in the decision to make Ms.
16 Garcia store manager?

17 A No, I was not.

18 Q Did you have an assistant store manager when you arrived
19 at the Transit French shortly before Halloween in October of
20 2021?

21 A No, we didn't have an assistant store manager at that
22 time, no.

23 Q Do you know why?

24 A No, I didn't inquire as to why we didn't have an ASM.

25 Q Would a store typically have an assistant store manager

1 assigned to it?

2 A Not always. It -- it really, truly just depends. In
3 order to -- to have an ASM, there are a multitude of different
4 reasons that a district manager could decide to give you one.

5 Q So that's not nece -- so having an assistant store manager
6 is not necessarily part of the normal operations at a
7 particular store?

8 A No.

9 Q When you became district manager in February of 2022, did
10 you have to go through a training plan?

11 A I did. And what does that look like? It was a four-week
12 training plan with Michaela Murphy.

13 Q Who is Michaela Murphy?

14 A She was a district manager in Buffalo.

15 Q For what district?

16 A District 362.

17 Q And what district where you assigned to?

18 A 6783.

19 Q And what stores are within District 6783?

20 A 7486, which is in Hamburg, 7665, which is Transit and
21 French, 7949, which is Walden and Anderson in Cheektowaga,
22 23917, which is airport, which is also in Cheektowaga, 59087,
23 which is in Hamburg, and 63771, which is in Orchard Park.

24 Q So six stores?

25 A Yes.

1 Q What -- what issues did you observe about operational
2 conditions when you arrive to Transit French in October of
3 2021?

4 A The first thing that I noticed was that the store wasn't
5 set up to station layout, which -- well, if stores are set up
6 to station layout, it does make it easier for the partners to
7 be able to stay in role and routine. I also noticed that we
8 were -- the shift supervisors were not using Playbuilder. They
9 were also not accurately receiving their inventory or executing
10 inventory counts or orders. I also noticed that there was a
11 lack of coaching in the moment to build the capabilities of the
12 partners. There was also a gap in our clean, safe, and ready
13 system and truly understanding how to utilize it to ensure that
14 our stores are clean, safe, and ready at all times. I also
15 noticed that our Daily Records Book was not being fully
16 executed to its most potential. Specifically, with our Clean
17 Play as well as our station assessments.

18 Q When you were a store manager in Illinois, how were your
19 new baristas trained?

20 A They were trained utilizing our barista training plan with
21 a barista trainer.

22 Q Did you have any experience prior to coming to Buffalo
23 with a -- training at a single store?

24 A Could you ask me that again? I don't --

25 Q Sure. Prior to coming to Buffalo in October of 2021, did

1 your store in Illinois or the market in Illinois use a single-
2 training facility to train baristas?

3 A No, but there were multiple times where I would train
4 partners for my peers.

5 Q Since coming to Buffalo, have you learned of Starbucks
6 using a single-training facility across the country?

7 A Yes. Previous, when I was still a shift supervisor, that
8 was something that we had used previously was a single store in
9 order to train multiple baristas. So we had -- we had done
10 this in the years prior.

11 Q Where had you done that in years prior?

12 A I believe it was somewhere in mid-America. It was in like
13 the St. Louis or like one of those areas where they had used
14 that model.

15 Q Have they used that model at your old facility since
16 you've left?

17 A No.

18 Q Did you have any involvement in the decision to use a
19 single-training facility in Buffalo?

20 A No.

21 Q Did you have newly hired baristas that were trained at the
22 Walden Anderson facility come to Transit French?

23 A Yes.

24 Q By the time that you arrived in October of 2021, was there
25 training already occurring at the Walden Anderson facility?

1 A Yes, I believe so.

2 Q And for the new baristas at -- were then assigned to
3 Transit French, did you notice any gaps in their training?

4 A No, nothing that was out of the ordinary. I'm accustomed
5 to different baristas learning at different speeds. There are
6 some baristas that are brand new that will pick up things
7 extraordinarily quickly, and there are others that need
8 additional support just based on previous job experience and
9 what they've done in their -- in their past with their careers.
10 And so it really, truly is dependent on the learner. And some
11 of them just need additional support.

12 Q And how would that additional support be provided to them
13 if they needed it?

14 A Through just on -- in the moment on the floor, giving them
15 that additional support, checking in with them, asking them how
16 they're doing on different positions, giving them feedback,
17 asking them how they're feeling with making certain beverages,
18 giving them coaching and feedback if they're making a beverage
19 incorrectly or if they're out of routine.

20 Q And when you say coaching in the moment, does -- does that
21 mean that a partner receives disciplinary action or what does
22 that mean?

23 A No. It's more so like redirection. So if they are not
24 following the -- the beverage sequencing routine correctly, it
25 would be a simple of like, hey, don't forget, you have to, you

1 know, steam your milk, cue your shots, then pump your syrup,
2 things of that nature, but not disciplinary. And they would
3 also -- coaching is also recognition. So it would also be
4 celebrating them and recognizing when they were getting it
5 right and being like, hey, really nice job. You did a great
6 job on that flat white.

7 Q Is the Transit French store known as any other name?

8 A Depew.

9 Q And what's the number?

10 A 7665.

11 Q Do you notice any issues with staffing when you arrived at
12 the Transit French store?

13 A No. We had -- we had done a lot of work to ensure that
14 the store was staffed prior to me coming in, so we were at a
15 healthy staffing level when I first arrived.

16 Q Did that change at all from the time that you arrived in
17 October to the time that you became district manager in
18 February of 2022?

19 A Yes.

20 Q When?

21 A I would say in January and February, we started to see
22 some partners leave.

23 Q And do you know why the partners were leaving?

24 A Some of them shared that they were graduating, and so they
25 had gotten jobs in their career fields. Some of the partners

1 were moving and so they were moving to other parts of the
2 country. And so they -- they chose to not want to transfer.

3 Q What was the process for replacing a barista that left?

4 A So we use a forecasting tool to determine how many
5 partners we will need based on the amount of hours our partners
6 typically work. And we communicate that to our district
7 manager so that our district manager can communicate that need
8 to our recruiters.

9 Q Who was the district manager for Transit French?

10 A MK.

11 Q And is that the individual sitting at counsel table?

12 A Yes.

13 Q Did you know MK before you came to the Buffalo market?

14 A No.

15 Q Was she the district manager the entire time you were
16 placed at Transit French?

17 A Yes. She was my district manager the whole time I was at
18 Transit and French.

19 Q With respect to the hiring of new baristas, what was the
20 process for hiring new baristas while you were at Transit
21 French?

22 A Our recruiters would take the needs in the dayparts
23 specific needs as well, and they would hire for us based on
24 what daypart and how many baristas we needed and how many hours
25 we were looking to have on average that barista work.

1 Q How would you determine how many hours a barista worked?

2 A It would be dependent on what that barista's availability
3 was, but typically we would use our partner-planning tool,
4 which would help us determine how many average hours the
5 partners are currently looking -- currently working. And we
6 would look to bring on partners for anywhere from 20 to 25
7 hours a week and then place them in the day part that we needed
8 them the most.

9 Q How did you did you know what a individual partner's
10 availability was?

11 A Partners are required to submit their availability when
12 they are hired. They -- they submit it in their application
13 and let us know what they're willing to work. And then we
14 confirm that in the onboarding process to make sure that it is
15 in fact accurate.

16 Q And then how are they assigned shifts?

17 A So they're -- they are given shifts within their
18 availability as determined by the level of staffing that we
19 need at any given day part.

20 Q So you mentioned that recruiters hired for you. When you
21 were a store manager in Illinois, who -- did you -- who hired
22 the baristas?

23 A I did.

24 Q As store manager?

25 A Yes. And my assistant store manager also supported in



1 interviewing.

2 Q Do you know when recruiters were -- began to be used in
3 the Buffalo market?

4 A I do not, though, there were recruiters being utilized in
5 Illinois as well. I just didn't need that specific support.

6 MS. STANLEY: Objection. Nonresponsive.

7 JUDGE ROSAS: I'll sustain the objection.

8 Q BY MS. POLITO: Are you aware of recruiters being used in
9 other places?

10 A Yes.

11 Q Where?

12 A All across the country in almost every single market,
13 there are recruiters that work to support store managers that
14 might not have the capacity to do their own hiring based on
15 whatever their current needs might be.

16 Q Do you know how many baristas were hired at the Transit
17 French store between February and March of 2022?

18 A Off the top of my head, no. I do not know the exact
19 number of baristas that were hired at Transit and French.

20 Q Do you have an idea of how many might have been hired?

21 A I would probably say three to four.

22 Q Were there regular operating hours for Transit and French
23 when you started working?

24 A Yes.

25 Q What were the regular operating hours?



1 A I believe it was 5:30 to 9 or 9:30.

2 Q And how were those hours determined?

3 A Those hours are determined by customer demand. So we look
4 at what our customer demand is, and we ensure that our hours
5 are optimized in order to meet that demand.

6 Q And who -- who at Starbucks makes the actual determination
7 as to regular operating hours for a particular store?

8 A Starbucks itself determines the hours of operation with
9 the support of the district manager.

10 Q During the time that you were a store support manager at
11 Transit French from October 2021 through February of 2022, did
12 the store ever close early?

13 A Yes. The store closed early a couple of times.

14 Q Why?

15 A Well, some of it was for holidays. So for Thanksgiving,
16 we closed early. Christmas Eve, we closed early. And then we
17 also closed early for when Howard Schultz came to town.

18 Q And on the occasion when Howard Schultz came to town, do
19 you know if partners were paid for time to attend that meeting?

20 A Yes. Partners were paid to -- if they attended that
21 meeting.

22 Q Do you know who the shift supervisors were at Transit
23 French when you started in October of 2021?

24 A Where they were?

25 Q Who they were? Sorry.

1 A Oh, who they were. Yes.

2 Q Who?

3 A Minwoo Park, Angel Krempa, Sydney (phonetic throughout) --
4 I don't remember Sydney's last name. There was also a shift
5 supervisor named Taylor. I don't remember Taylor's last name.
6 And we also had a shift supervisor out on an LOA because she
7 had broken her ankle, and her name was Alyssa.

8 Q Did you ever work with Alyssa?

9 A I did when she returned from her leave of absence.

10 Q What is Alyssa's current job?

11 A Store manager.

12 Q Do you know what store she's at?

13 A She is at our Lancaster store. I believe the store number
14 is 22882.

15 Q With respect to the shift supervisors at Transit French,
16 did you notice any gaps in their performance when you arrived
17 at Transit French?

18 A Yes.

19 Q What were those?

20 A They didn't know the shift supervisor approach, which is
21 how we prepare for our shifts. So looking at the DCRs, looking
22 at the Play, checking in with IMS, seeing if there's any action
23 items. What is the goal for the day? How they lead and so how
24 they take what they learned when they prepared and put it into
25 action with deploying our partners, ensuring that orders are

1 done, that breaks are ran, and really maintaining the Starbucks
2 experience on the floor. So staying level-headed in the midst
3 of business. And then how to transition, which is how to pass
4 the shift off to the next shift supervisor in order to ensure
5 that they are set up for success.

6 Q You mentioned DCR; what is DCR?

7 A The daily coverage report.

8 Q And what is that?

9 A It tells you how many partners are scheduled for that day,
10 for how long their shifts are, what breaks they will need based
11 on the amount of hours they work. And it will also state if
12 they have any training that's scheduled for that day or if they
13 have any noncoverage in order to complete miscellaneous tasks.

14 Q How do they gain access to their report?

15 A It's printed, and they have access to it themselves in
16 Starbucks Partner Hours. They can log on and print that at any
17 time.

18 Q And you mentioned Play. Is that Playbuilder?

19 A Yes.

20 Q How do they have access to Playbuilder tool?

21 A It's on the iPad and they have access to it at all times.

22 Q What is IMS?

23 A Our inventory management system.

24 Q And how do they -- how does a shift supervise have access
25 to that?

1 A They log on to our Partner Hub and it is an app within
2 there that they have access to.

3 Q What's the typical process when a barista assigned -- or
4 promoted to shift supervisor for training?

5 A It is typically a one- to two-week training and it has
6 different digital modules that they complete. And then it also
7 is followed up with experiences that they do in partner shift
8 with the store manager. And then we do a skills check. And
9 then they have practice shifts that they do alongside the store
10 manager before they go live in role.

11 Q When you say digital modu -- modules, are you referring to
12 online --

13 A Yes.

14 Q -- training?

15 A Online training. That is done through My Learning.

16 Q And who does this skills check that you just mentioned?

17 A The store manager or the assistant store manager.

18 Q Now, you mentioned a Ms. Krempa. Are you familiar with
19 Ms. Krempa?

20 A Yes.

21 Q How?

22 A She was one of the shift supervisors at Transit and French
23 when I first -- when I first got there.

24 Q Do you know how long she was the shift supervisor before
25 you had gotten there?

1 A I don't know how long she was a shift supervisor prior to
2 me getting there.

3 Q Do you know how long she had been an employee of
4 Starbucks?

5 A A couple of years.

6 Q Were you involved in any disciplinary actions relating to
7 Ms. Krempa?

8 A Yes.

9 Q Okay. What were those?

10 A I issued Angel a final written warning for the use of foul
11 language on the floor. And I also issued her memorialized
12 coaching conversation for failure to abide by dress code.

13 Q If you could take a look at Exhibit 92, please? Do you
14 recognize that document?

15 A Yes.

16 Q What is it?

17 A It is the final written warning for Angel.

18 Q And is your signature on the document?

19 A Yes, it is.

20 Q And is this the final written warning that you were just
21 referring to?

22 A It is.

23 Q And what -- what did she receive a final written warning
24 for?

25 A For conduct not reflective of the company's missions and

1 values and expectations of conduct. Angel failed to create the
2 third-place experience and demonstrated behavior that was not
3 in line with Starbucks missions and values in treating others
4 with respect and dignity. She used foul language on the floor
5 where customers and partners could hear saying, are you effing
6 kidding me, when she found out a partner had not taken their
7 break.

8 Q Did you hear Ms. Krempa say those words?

9 A No, I was not there when this happened.

10 Q How did you find out that this happened?

11 A Through discovery conversations with fellow partners on
12 the floor. I looked at who -- after the concern was brought to
13 my attention by a barista, I looked at who was working that day
14 and I had conversations with them, asking them if anything had
15 happened on that day, if there was any foul language that was
16 used. And they said, yes, there was. That Angel had become
17 frustrated because somebody's lunch had not been ran prior to
18 her taking over the shift. And so when she was looking at the
19 DCR, she threw her hands in the air and cursed.

20 Q Did you speak with Ms. Krempa about the events?

21 A I did. After -- after speaking with the potential
22 partners that overheard it, I asked Angel if there was
23 potential that she had cursed on the floor. And she had -- she
24 confirmed that, yes, there -- that she had -- she had cursed
25 on --

1 Q And --

2 A -- the floor.

3 Q Did you meet with Ms. Krempa to provide the corrective
4 action form?

5 A Yes, I did.

6 Q And there is a witness on page 1?

7 A Yes. That --

8 Q And who is that?

9 A MK.

10 Q What's the policy with respect to having a witness regard
11 a corrective action form being given?

12 A It depends on the circumstance. And so any time that we
13 issue finals, we will typically have a witness just to ensure
14 that we have the -- the proper -- like, the proper people, so
15 that we've -- if something were to be said, there is another
16 person that could confirm -- like, no, this is what was said,
17 this is how it was delivered. So that way there are two people
18 that can be spoken to, to ask the discovery to ensure that it
19 was delivered properly.

20 Q And on page 2 of Exhibit 92, did Ms. Krempa sign the
21 corrective action form?

22 A Yes, she did.

23 Q Did she say anything to you when she signed it?

24 A She acknowledged that she had -- that she had displayed
25 these behaviors and she -- and she owned it.

1 Q On page 1 of Exhibit 92, it says date created 11/23 and
2 date delivered 12/7, do you know why there is a difference in
3 those dates?

4 A Yes. There is a difference in those dates because this
5 was when we had called in for consult to ensure that this was
6 in alignment with what we had delivered across the market for
7 consistency. And then on 12/7 is when we were able to deliver
8 it based on when Angel was working and when I was working.

9 Q Can you explain to us what you mean when you said it was
10 called in for consult?

11 A So for any corrective action, we would call in for a
12 consult, especially being new to this market, to understand
13 what consistency looked like and what level of corrective
14 action had been used previously just to maintain that we were
15 being consistent.

16 Q When you were the store manager in Illinois, and if -- and
17 if you had a partner that engaged in similar behavior, what
18 corrective action would you have given them?

19 A A final.

20 MS. POLITO: At this point, I move Exhibit 92 into
21 evidence.

22 MS. STANLEY: I have no objection to the document. I
23 would note that the first page is duplicative of General
24 Counsel Exhibit 61, which did -- just simply didn't have the --
25 the second page with her signature on it.

1 JUDGE ROSAS: We'll receive it. Respondent's Exhibit 92
2 is received.

3 **(Respondent Exhibit Number 92 Received into Evidence)**

4 Q BY MS. POLITO: Were you involved with any other
5 disciplinary action related to Ms. Krempa?

6 A Yes, I gave her a memorialized coaching conversation.

7 Q And when did you do that?

8 A It was in January.

9 Q Of 2022?

10 A Yes.

11 Q And what was the coaching conversation about?

12 A It was regarding dress code violations. She was wearing
13 multiple pins that were not Starbucks-issued.

14 Q And what was the pin policy for Starbucks?

15 A That partners could wear Starbucks-issued pins and one
16 Union pin that was reasonably sized.

17 Q Take a look at the next document, which is General Counsel
18 Exhibit 63. Do you recognize that document?

19 A Yes.

20 Q What is that document?

21 A It is the memorialized coaching conversation.

22 Q And the date in that document is February 25th, 2022; do
23 you see that?

24 A Yes, I do.

25 Q Does that refresh your memory that that conversation



1 occurred in February and not January of 2022?

2 A Yes. We had been having a lot of coaching conversations
3 regarding dress code in January as well.

4 Q And -- and explain to us what the documented coaching
5 means.

6 Q So the memorialized coaching, it came after the final to
7 really, truly ensure that the partner understood the policies
8 and to make sure that there was no question that they
9 understood that they would be held to the standards and
10 policies laid out in the partner -- partner guide. And so
11 that's why we utilized the memorialized coaching to really,
12 truly ensure that we gave every partner every opportunity to
13 correct the behavior prior to separation.

14 Q Were you involved in Ms. Krempa's termination from
15 Starbucks?

16 A No, I was not.

17 Q Do you know when that happened?

18 A Off the top of my head, I do not know when Angel was
19 separated.

20 Q When you became district manager in February of 2022, were
21 you no longer in a Transit French location?

22 A That's correct.

23 Q And during the time that you were store support manager
24 from October of 2021 through February of 2022, how often did
25 you work in the Transit French location?



1 A A minimum of five days a week, but some days, seven days a
2 week.

3 Q Were you -- did you work with a gentleman by the name of
4 Minwoo Park?

5 A Yes, I did.

6 Q And were you involved in any disciplinary action regarding
7 Mr. Park?

8 A Yes, I was.

9 Q And what was that?

10 A I issued Minwoo a final written warning for foul language
11 and a memorialized coaching for multiple infractions that had
12 occurred after the final.

13 Q Can you take a look at Exhibit Number 93? Do you
14 recognize that document?

15 A Yes.

16 Q What is it?

17 A It is the final written warning for -- for Minwoo.

18 Q Is that your signature on page 1?

19 A Yes, it is.

20 Q And turning to page 2, who else were signa -- signatories
21 to this document?

22 A Jack was and then Minwoo signed it as well.

23 Q And on page 1 of Exhibit Number 93, there's writing in a
24 box, whose writing is that?

25 A That is Minwoo's.

1 Q And do you know what he says in that box?

2 A He says that he admits to using vulgar language. There
3 was not a coaching moment about the use of language. The
4 conversation was because --

5 JUDGE ROSAS: Are you paraphrasing or are you reading from
6 the document?

7 THE WITNESS: Oh, I'm sorry.

8 JUDGE ROSAS: She's asking -- you're asking her to read
9 what's in it, right?

10 MS. POLITO: No -- well, stri -- let's strike that. I'll
11 move to have Exhibit 93 entered into evidence.

12 MS. STANLEY: I would object on -- only on the basis that
13 93 is duplicative of General Counsel Exhibit 125.

14 JUDGE ROSAS: So we already have it?

15 MS. STANLEY: Yes.

16 JUDGE ROSAS: All right.

17 MS. POLITO: The same, complete document?

18 MS. STANLEY: Yes.

19 JUDGE ROSAS: All right. On that representation, we'll
20 set it aside.

21 MS. POLITO: Okay.

22 Q BY MS. POLITO: So let's pretend you're looking at your
23 General Counsel Exhibit 125 --

24 A Okay.

25 Q -- which has been entered into evidence and based on the



1 representation of counsel, is the same exact document. Can you
2 read for us what's under the partner's statement?

3 MS. STANLEY: Objection. It's in --

4 JUDGE ROSAS: Hold on one second. Repeat the question.

5 Q BY MS. POLITO: Can you read for us what's under partner's
6 statement?

7 JUDGE ROSAS: You object?

8 MS. STANLEY: Just because it's already in the record,
9 Your Honor.

10 JUDGE ROSAS: Well, I'll allow her to -- to read it.

11 A In the instance of the 9th of November, while I do admit
12 to using vulgar language, there was not a coaching moment about
13 the use of language. The conversation was a why -- was wha --
14 was about why that moment was stressful.

15 Q BY MS. POLITO: Do you know what Mr. Park was referring
16 to?

17 A To my knowledge, he was frustrated at running the floor
18 and having to run breaks, and he felt as though he was short-
19 staffed in the moment, though, in my opinion he was not short-
20 staffed in the moment. And so he had kicked open a door and
21 yelled, eff this. And then on November 15th, he used profanity
22 towards an actual barista, using the F-word. And I -- am I
23 supposed to say the curse words?

24 Q No, you don't have to say the curse words, but thank you
25 for asking that. Were you present while Mr. -- when Mr. Park

1 used vulgar language on November 9th or November 15th?

2 A I was not present for November 9th, and I do not believe I
3 was present for November 15th. Again, I used discovery and
4 I --

5 Q Tell us what discovery means.

6 A Discovery means -- again, looking at the schedule and who
7 was working and asking those baristas if there was anything
8 that had happened on that shift or if there was any behavior
9 that was displayed that was not in alignment with our missions
10 and values. Those baristas confirmed that Minwoo had kicked a
11 door and yelled the F-word, and then another barista also
12 confirmed that he had used prof a -- excuse me, he had used
13 profanity towards another barista.

14 Q And did you speak with Mr. Park about the allegations?

15 A I did.

16 Q And what did he say?

17 A He said that those things had happened, but that he was
18 frustrated and stressed out.

19 Q And how did you determine that a final written warning
20 would be given?

21 A I called it into Partner Relations to ensure consistency,
22 and I also consulted with my district manager, who also made
23 the recommendation to call it into Partner Relations.

24 Q What type of corrective action form would you have given a
25 partner in your store in Illinois when you were store manager?

1 A I would have given a shift supervisor a final written
2 warning.

3 Q Were you involved in any other disciplinary actions
4 relating to Mr. Park?

5 A Yes, I was, a memorialized coaching.

6 Q And when was that?

7 A It was in December.

8 Q Can you take a look at Exhibit 94. Do you recognize that
9 document?

10 A Yes.

11 Q How?

12 A It is the memorialized conversation that we delivered to
13 Minwoo.

14 Q And this was after his final written warning?

15 A That is correct.

16 Q Why wasn't he terminated?

17 A Because again, we wanted to ensure that all partners truly
18 understood that they would be held accountable to any
19 violations of our standards and policies. And we wanted to
20 ensure that every single partner had an opportunity to
21 understand that. Previous -- previously partners had shared
22 with us that they were not held accountable. So we took a lot
23 of time to teach and to educate all partners on the standards.
24 We would have partners read through the different policies and
25 the partner guides, such as time and attendance, and have them

1 initial off on it just to really understand that -- really make
2 sure that partners understood what was okay and what was not
3 okay.

4 Q Other than having the partners review the policies and
5 sign off on time and attendance, are you aware of whether or
6 not the partners signed off on any other specific policies?

7 A They signed off on dress code.

8 Q And looking at Exhibit 94 on page 2, is Mr. -- is that Mr.
9 Park's signature?

10 A Yes, it is.

11 Q And there's no witness identified on Exhibit 94. Do you
12 know why not?

13 A No, I -- I just -- I didn't need a witness to deliver this
14 conversation with Minwoo.

15 Q And why was that?

16 A I felt confident in my ability to deliver this -- this
17 conversation with the facts at hand. And that I had been the
18 one that identified the -- the -- the three infractions.

19 MS. POLITO: Move to admit Exhibit 94, Your Honor.

20 MS. STANLEY: I believe 94 is duplicative of General
21 Counsel 126.

22 MS. POLITO: Judge, I really note that even if they're
23 duplicative, I -- I don't believe that some of the prior
24 exhibits from the General Counsel contain the Starbucks Bates
25 stamp on the bottom. They -- some of them were, if I recall

1 correctly, photos. So even though they're duplicative, I'm
2 still going to ask that --

3 JUDGE ROSAS: Well --

4 MS. POLITO: -- they be admitted into the record.

5 JUDGE ROSAS: -- let's -- that's a good point. I'll
6 reconsider, I guess, to the extent that it was a ruling
7 regarding Respondent's 93, we'll receive it in any event.

8 **(Respondent Exhibit Number 93 Received into Evidence)**

9 JUDGE ROSAS: And any objection otherwise with respect to
10 Respondent 94?

11 MS. STANLEY: No, Your Honor.

12 JUDGE ROSAS: All right. So we'll receive 94 as well.

13 **(Respondent Exhibit Number 94 Received into Evidence)**

14 Q BY MS. POLITO: Were you involved in any other
15 disciplinary actions involving Mr. Park?

16 A No, I was not.

17 Q Do you recall being involved in any other disciplinary
18 matters with any partners at Transit and French?

19 A I was involved with multiple disciplinary matters with
20 partners.

21 Q Do you recall being involved in a disciplinary matter
22 involving Nicole Norton?

23 A Yes, I do.

24 Q And what's your recollection?

25 A My recollection is that Nicole had gone to do a lobby

1 slide and to -- which is part of our customer support routine,
2 is going out and checking the lobby, checking the restrooms,
3 making sure that they look good, and somebody had improperly
4 used the facilities. And so she came back and said this is
5 effing disgusting in front of partners and customers.

6 Q If you can take a look at the last exhibit in front of
7 you, which is General Counsel Exhibit 132. Do you recognize
8 that document?

9 A Yes.

10 Q And what is that document?

11 A It is a written warning for Nicole.

12 Q Why did this Ms. Norton only get a written warning for
13 using vulgar language?

14 A Because she's a barista.

15 Q Why did Mr. Park and Ms. Krempa get a final written
16 warning for using vulgar language?

17 Q Because they are shift supervisors and it's part of their
18 job expectation to role model the Starbucks experience. And
19 it's expected of them to role model our missions and values for
20 all partners.

21 Q Did the fact that Ms. Krempa, Mr. Park, or Ms. Norton
22 support the Union have any involvement in your decision to
23 issue disciplinary action?

24 A No, it did not.

25 Q Do you recall as you sit here today whether you were



1 involved in other disciplinary matters for other partners at
2 the Transit French store?

3 A Yes. I was involved in other disciplinary matters.

4 Q Do you recall what they were?

5 A I issued a documented coaching for dress code to Ryan and
6 also to Scott (phonetic throughout). I issued documented
7 coaching for dress code to Henya (phonetic throughout). I
8 issued a documented coaching to Karen (phonetic throughout) for
9 a dress code. I issued a time and attendance corrective action
10 to -- to Perry (phonetic throughout). I issued -- I mean, the
11 majority of the -- the -- the documents that I gave were
12 documented coachings for time and attendance and dress code to
13 a multitude of partners.

14 Q And each time that you provided coaching and/or corrective
15 actions and -- at Transit French, were those consistent with
16 your practice while you were store manager in Illinois?

17 A Yes.

18 Q Are you aware when Transit French petitioned to unionize?

19 A I believe that they petitioned in -- I don't remember the
20 exact date.

21 Q Was it sometime in 2021?

22 A Yes, it was in 2021. It was -- it was in November or
23 December of 2021.

24 Q And do you know when they voted on the petition?

25 A I believe that they voted in March.



- 1 Q 2022?
- 2 A Yes, ma'am.
- 3 Q Do you know the result of that vote?
- 4 A They -- they won their vote by three votes.
- 5 Q Is Transit French one of the stores that you continue to
- 6 have responsibility for but now as district manager?
- 7 A Yes, that is correct.
- 8 Q And who is the current store manager?
- 9 A MG Garcia.
- 10 Q Were you involved in the terminations of any partners
- 11 while you were support store manager at Transit French?
- 12 A No, I was not involved in any terminations.
- 13 Q At some point in time, was the phone number for the
- 14 Transit French Road turned off?
- 15 A Yes, it was turned off because we were receiving multiple
- 16 threats from customers. I personally received multiple death
- 17 threats from customers.
- 18 Q Do you know why customers were calling the store?
- 19 A After asking questions and looking into it, the Starbucks
- 20 Workers United Twitter had put out a blast saying, call our
- 21 stores and tell Starbucks what you really think.
- 22 Q How many death threats did you receive as a result of
- 23 that?
- 24 A I -- I filled out an incident report form for three.
- 25 Q And do you know when that happened?

1 A It was in December.

2 Q Were any partners present when you received those death
3 threats?

4 A Yes, for one of them, Angel was standing right next to me
5 when I received one of the phone calls.

6 Q And what, if anything, did she say?

7 MS. STANLEY: Objection. Relevance.

8 MS. POLITO: Judge, it's directly relevant to these
9 proceedings. They were receiving death threats and Ms. Krempa
10 was standing there and overheard it.

11 JUDGE ROSAS: Regarding corroboration. Overruled. You
12 can answer.

13 A Will you ask the question one more time? I'm sorry. I
14 lost my train of thought.

15 Q BY MS. POLITO: Sure. What, if anything, did Ms. Krempa
16 say to you after hearing the death threat?

17 MS. STANLEY: Objection. Assumes facts not in evidence.
18 She didn't say Angel heard what it was, just that she was
19 standing there.

20 MS. POLITO: The -- it's --

21 JUDGE ROSAS: Sustained.

22 MS. POLITO: Correct.

23 Q BY MS. POLITO: After you received the death threat, one
24 of -- one of the death threats, you had indicated that Ms.
25 Krempa was present. What, if anything, did she say to you?

1 A Yes. Angel was standing right next to me. After I hung
2 up the phone and I said, wow, I'm really glad that I answered
3 that phone call. And she asked me why. And I said, because
4 that was a customer just telling me that they hoped that I
5 drove my car off of a cliff tonight. And she said, I'm really
6 sorry that that happened to you. And I said, listen, I respect
7 you. I respect your right to do what you feel is right. I
8 don't agree with it. I don't think that we need this. I don't
9 think that this is something that we need as part of Starbucks.
10 I've always had a great relationship with my company but
11 receiving death threats like this is not the right way to go
12 about getting your message across. And she said she was really
13 sorry that that had happened to me. And she asked if she could
14 give me a hug. And so she gave me a hug. And then she -- she
15 stepped off the floor and said that she wanted to reach out to
16 the people responsible for the Twitter page and ask them to --
17 to stop with having them call the stores.

18 Q Do you know how long the phone line to Transit French was
19 cut off?

20 A I believe just for a few days. We rerouted the phone
21 calls to the Seattle Support Center.

22 Q At any point in time, does a shift supervisor have the
23 authority to turn off a channel?

24 A No. They need to get approval from their store manager
25 first.

1 Q What if the store manager wasn't available?

2 A Then they're responsible for reaching out to their
3 district manager.

4 Q How would you turn off mobile ordering?

5 A Through an email.

6 Q And who can send that email?

7 A Store managers and above.

8 Q So a shift supervisor wouldn't have access to the email to
9 turn off mobile ordering?

10 A That is correct. Shift supervisors don't have email at
11 Starbucks.

12 Q Can a shift supervisor decide to close a cafe?

13 A Not without pre-approval from their store manager and
14 making sure that their store manager is aware?

15 Q And again, if the store manager wasn't available, what
16 would the process be for closing a cafe?

17 A They would need to reach out to their district manager.

18 Q Do you know how a barista becomes a certified barista
19 trainer?

20 A Yes. So baristas can become certified barista trainers
21 after being identified by their store manager as demonstrating
22 and role-modeling the Starbucks experience and being advising
23 in their role as far as understanding all of the roles and
24 routines.

25 Q And when they become a certified barista trainer, are they



1 guaranteed to -- any baristas to train, a certain number?

2 A No. No. We don't guarantee any baristas, that they would
3 be told that they would be able to train.

4 Q And what -- what -- do you know what, in Buffalo, a
5 barista trainer would have gotten paid between October and
6 February for being a barista trainer?

7 A They would have been paid the same amount as a normal
8 barista, but you do get a -- a one-time bonus payout for
9 training a barista.

10 Q Do you know what that one-time bonus payout looks like?

11 A I believe it's \$65.

12 Q Are there any other qualifications with respect to the
13 bonus that you're aware of?

14 A Just that the barista completes their training.

15 Q And how long does that training typically last?

16 A It can last anywhere from one week to two weeks, which is
17 what it was in 2021, but we have since made updates to the
18 barista training plan.

19 Q What's the current barista training plan?

20 A The current barista training plan is spread out over two
21 weeks specifically.

22 Q Are there still centralized training facilities in the
23 Buffalo area used to train baristas?

24 A There are, but there are -- they're not closed, they're
25 all open.

1 Q And so going back to Walden Anderson, when that store was
2 used as a training facility, it was closed to customers; is
3 that right?

4 A Yes, I believe that is correct.

5 Q So the current training facilities, to your knowledge, are
6 open to customers?

7 A Yes. They are open to customers.

8 Q In your current role as district manager, how many store
9 managers report to you?

10 A I have six store managers that report to me.

11 Q Do those store managers have any assistant store managers
12 at their facilities?

13 A Yes. We have one assistant store manager.

14 Q At -- at what store do you have an assistant store
15 manager?

16 A I have an assistant store manager at 7665, which is
17 Transit and French.

18 Q How long does an employee -- how long does a partner
19 typically remain as assistant store manager?

20 A A minimum of 6 months unless there is an exception made or
21 up to 12 months. On average, typically, an assistant store
22 manager is in role for 7 to 12 months.

23 Q Is there a separate job description for an assistant store
24 manager that you're aware of?

25 A I don't think so because an assistant store manager,

1 the -- the purpose is not a permanent role. It -- it really is
2 a role where they are learning how to become a store manager,
3 and they are expected to be capable of executing that role
4 successfully.

5 Q After Ms. Garcia became the store manager at Transit and
6 French, were you present for any meetings that she held with
7 the partners?

8 A I was. We had a store meeting the last week that I was
9 there.

10 Q And what was the purpose of that store meeting?

11 A It was revisiting policies in the partner handbook, such
12 as tattoos, dress code, time in attendance, close
13 relationships, cell phone, just really ensuring that as MG was
14 transitioning and taking over the store, every single partner
15 could feel confident as to what the standards and policies
16 would be because there had been questions.

17 Q Who was present at that meeting?

18 A Almost every single partner in the store with the
19 exception of, I think, like two or three that MG had one-off
20 conversations with after.

21 MS. POLITO: Judge, if I can have five minutes?

22 JUDGE ROSAS: Okay. Off the record.

23 (Off the record at 11:36 a.m.)

24 MS. POLITO: I have nothing further for this witness, Your
25 Honor.

1 JUDGE ROSAS: Okay. General Counsel, do you need some
2 time, or are you ready to go?

3 MS. STANLEY: No, I'm ready, Your Honor.

4 JUDGE ROSAS: Okay. General Counsel, cross-examination.

5 **CROSS-EXAMINATION**

6 Q BY MS. STANLEY: Hi, Ms. Mann. How many times prior to
7 October 2021 were you asked to go be a support manager in other
8 markets?

9 A I would support my peers across my market multiple times.

10 Q How often were you asked to go support other markets as a
11 support manager prior to October 2021?

12 A I supported other markets three times prior.

13 Q Where did you go?

14 A I supported in Northern Illinois. I supported in St.
15 Louis, and I also supported store managers in Arkansas.

16 JUDGE ROSAS: Counsel, Hold on one second. Continue.

17 Q BY MS. STANLEY: When you were -- when you were supporting
18 markets, you said, in St. Louis, and in Arkansas, was your --
19 were you given the title of support manager at those times?

20 A No.

21 Q And were you given a bonus for doing that work?

22 MS. POLITO: Objection.

23 JUDGE ROSAS: Overruled.

24 A It depended on the circumstance and what the support
25 looked like.

1 Q BY MS. STANLEY: And were you given a per diem for
2 traveling to those locations?

3 A I was given mileage.

4 Q When you went to Buffalo, were you given a bonus?

5 MS. POLITO: Objection. Not relevant. Her personal
6 salary is completely not relevant to these proceedings, Judge.

7 JUDGE ROSAS: Overruled.

8 A Yes.

9 Q BY MS. STANLEY: And were you given a per diem?

10 A Yes.

11 Q You just said that you hired your own partners when you
12 were a store manager in Illinois; is that correct?

13 A Yes.

14 Q You just said that at some point you became aware that
15 you -- that hiring in Illinois was being supported by
16 recruiters; is that right?

17 A Yes.

18 Q When did that start, to your knowledge?

19 A It started in 2020 -- started right after the -- the --
20 like fall after the 2020 -- like fall of 2020 is when
21 recruiters were supporting hiring.

22 Q Fall of 2020?

23 A Um-hum.

24 Q And at that point, were you still -- did you still have
25 authority to hire at your store?

- 1 A Yes.
- 2 Q And how long did that continue?
- 3 A I always have the authority to hire at my store.
- 4 Q So there was never a time when you could not hire at your
- 5 store and only recruiters could hire?
- 6 A No.
- 7 Q Is a documented coaching the same as a memorialized
- 8 coaching?
- 9 A No.
- 10 Q What's the difference?
- 11 A The difference is a memorialized coaching comes after a
- 12 final.
- 13 Q Okay. So if you could look at Exhibit 94. It's in the
- 14 packet in front of you. You testified that that discipline to
- 15 Minwoo (phonetic throughout) Park was a memorialized coaching
- 16 because it came after his final written warning?
- 17 A Um-hum.
- 18 Q But it -- I'm sorry. Is that a yes?
- 19 A Yes.
- 20 Q Thank you. But it's marked as a documented coaching?
- 21 A Yes.
- 22 Q You testified that you weren't -- when you worked at the
- 23 Transit and French store, you were there between 5 to 7 days a
- 24 week?
- 25 A Yes.

1 Q About how many hours per day would you spend in the store?

2 A 8 to 10.

3 Q When you had the -- you testified about a conversation
4 that you had with Angel Krempa after you received the phone
5 call where she offered you a hug and -- and you said she was
6 sorry that happened. Do you recall that testimony?

7 A Yes.

8 Q And you said that you told her, you know, I don't think we
9 need this, but I respect your rights?

10 A Yes.

11 Q What is the "this" you were referring to that you don't
12 think you needed?

13 A The union.

14 Q Was Alyssa -- you did say that Alyssa was a shift a
15 supervisor who was on a leave -- a leave of absence when you
16 first got to Transit and French. Was she an assistant store
17 manager at Transit and French before she became the store
18 manager at Lancaster?

19 A No.

20 Q Do you know where she was a -- an assistant store manager?

21 A Off the top of my head, I do not recall.

22 Q Was she an assistant store manager?

23 A Yes.

24 MS. STANLEY: I have nothing further.

25 JUDGE ROSAS: Charging Party.

CROSS-EXAMINATION

1

2 Q BY MR. DOLCE: Hello. Mike Dolce for the Union. Just a
3 couple questions. So you've mentioned -- you testified that
4 you first heard about the opportunity in Buffalo from Aaron
5 Wilson (phonetic throughout), your regional director in the
6 Illinois area?

7 MS. POLITO: Objection. Inaccurately stating her
8 testimony.

9 JUDGE ROSAS: Can you answer that?

10 A I don't know what the question is. I couldn't understand
11 him.

12 MR. DOLCE: Okay.

13 JUDGE ROSAS: I'm going to ask by the way, General Counsel
14 and Charging Party, need you all to be louder. Okay?

15 MS. STANLEY: Oh, sorry.

16 MR. DOLCE: Oh, I -- I was --

17 UNIDENTIFIED SPEAKER: He had been told to be quieter.

18 MR. DOLCE: I was told to the other day --

19 UNIDENTIFIED SPEAKER: He was told to --

20 MR. DOLCE: I was told I was too loud or -- or another
21 day. So apologize for that.

22 Q BY MR. DOLCE: How did you first come to learn about the
23 opportunity in the Buffalo market?

24 MS. POLITO: Objection. Asked and answered.

25 JUDGE ROSAS: Overruled.



1 A From my regional director, Aaron Wilson.

2 Q BY MR. DOLCE: And then when you -- were there -- did you
3 have to fill out any paperwork in order to be transferred to
4 the Buffalo market?

5 MS. POLITO: Objection. Outside the scope of direct
6 examination.

7 JUDGE ROSAS: Overruled.

8 A No, I was not transferred to the Buffalo market.

9 Q BY MR. DOLCE: In your conversation with Aaron Wilson
10 about the opportunity in the Buffalo market, did the -- did
11 the -- did the potential for a promotion ever come up in that
12 conversation?

13 A No, it did not.

14 MR. DOLCE: I have nothing further.

15 JUDGE ROSAS: Redirect?

16 MS. POLITO: None. Thank you, Your Honor.

17 JUDGE ROSAS: All right. Your testimony is concluded.
18 Thank you for coming today. Please do not discuss your
19 testimony to anyone until you're advised by counsel that the
20 record in the case is closed. All right?

21 THE WITNESS: Thank you, sir.

22 JUDGE ROSAS: Have a good day.

23 All right. Your next witness. Let's go off the record.

24 (Off the record at 12:06 p.m.)

25 JUDGE ROSAS: Respondent, next witness.

1 MS. POLITO: Your Honor, Respondent calls Melissa Garcia
2 to the stand.

3 JUDGE ROSAS: Raise your right hand.
4 Whereupon,

5 **MELISSA GARCIA**

6 having been duly sworn, was called as a witness herein and was
7 examined and testified as follows:

8 JUDGE ROSAS: All right. State and spell your name.
9 Provide us with an address.

10 THE WITNESS: Melissa Anne Garcia. You said spell it?

11 JUDGE ROSAS: What's that?

12 THE WITNESS: Did you say spell it?

13 JUDGE ROSAS: Spell it. Right.

14 THE WITNESS: Okay. M-E-L-I-S-S-A A-N-N-E G-A-R-C-I-A.

15 Address --

16 JUDGE ROSAS: And address?

17 THE WITNESS: Address --

18 JUDGE ROSAS: Business is fine.

19 THE WITNESS: I'm sorry?

20 JUDGE ROSAS: Business is fine.

21 THE WITNESS: 4770 Transit Road, Depew 14104 (sic).

22 JUDGE ROSAS: Have a seat.

23 THE WITNESS: Okay.

24 **DIRECT EXAMINATION**

25 Q BY MS. POLITO: Good afternoon, Ms. Garcia.



1 A Good afternoon.

2 Q Can you tell us where you work?

3 A I work at Transit and French Starbucks in Depew.

4 Q And how long have you worked for Starbucks?

5 A I actually was a barista back in 2017. I was there for
6 about a year. I had left to pursue a full-time position
7 somewhere else. And then I came back to Starbucks in July of
8 2020 as a shift supervisor. And here --

9 Q When you worked for Starbucks in 2 -- 2017 as a barista,
10 what store did you work at?

11 A There's two locations on Niagara Falls Boulevard. There's
12 one that's a cafe only towards -- towards the top half. And
13 then there's one closer to the falls. It's called Niagara
14 Falls Drive-Thru (phonetic throughout). That's the one I
15 worked at.

16 Q And because it's called Niagara Falls Drive-Thru, does
17 that mean that it's only a drive-thru?

18 A No, it just means that it has a drive-thru as another
19 option.

20 Q Okay. And how many channels did the Niagara Falls Drive-
21 Thru have as an option?

22 A Mobile order, cafe, and drive-thru.

23 Q And how long did you work as a barista in 2017?

24 A It was right at a year.

25 Q And when did you return to Starbucks?



1 A In July of 2020.

2 Q And you returned as a shift supervisor?

3 A Shift supervisor.

4 Q And what store did you work at when you first returned to
5 Starbucks?

6 A UB Commons on campus.

7 Q And how long did you work at UB Commons?

8 A I was at UB Commons -- actually my time was split. I was
9 at Genesee and I was at UB Commons because it was still, you
10 know, the pandemic. So the school was closed, and they didn't
11 have as many hours, so they ended up splitting me. There was a
12 need at Genesee Street, so I was a shift supervisor there three
13 days a week, and I was a shift supervisor at UB two days a
14 week.

15 Q And when you applied to beco -- what was the process when
16 you applied to become a shift supervisor?

17 A So first you have to fill out an application online. Then
18 you receive a phone call. And after the phone call, they set
19 up an interview. And then you interview. You know, at the
20 time, because of COVID, everything was online. So it was a
21 Teams -- it was a Teams interview. And there's typically about
22 like a week process that they would let you know whether you
23 got the job or not.

24 Q Do you remember who you interviewed with for the shift
25 supervisor position?



1 A Actually, yes. Matt Morrale and Tina Zunner (phonetic
2 throughout), the store manager at UB Commons.

3 Q Did there come a point in time where you were assigned to
4 a -- a single store as shift supervisor?

5 A Yes.

6 Q And when was that?

7 A That was Orchard Park location. That was at the end of
8 December. We opened in January, but we started set up and --
9 and all that for a new store at the end of December.

10 Q Was that December 2020?

11 A Yes.

12 Q And the -- the name of the store again was Orchard --

13 A Orchard -- Orchard Park.

14 Q Is it called any other name?

15 A OP.

16 Q Okay.

17 A Yeah.

18 Q Do you know what the store number is by chance?

19 A Oh, it's been a while. 6 -- 67 -- 363771? It's been
20 awhile since I had to throw that out.

21 Q And how long were you a shift supervisor at Orchard Park?

22 A I was a shift supervisor at Orchard Park from January
23 until October.

24 Q Of what year?

25 A 2021.

1 Q When did you first become aware of union activity at -- at
2 Starbucks?

3 A I started hearing, you know, just like a little buzz.
4 Partners started talking about it. There was some stuff, you
5 know, social media, just like little things like that was my
6 first kind of introduction to that.

7 Q Was that while you were working at Orchard Park?

8 A It was.

9 Q And when you were working at Orchard Park in September of
10 2021, was the store assigned a store support manager?

11 A Yes.

12 Q And who was assigned?

13 A Her name was Amelia Ruiz.

14 Q And do you know where Ms. Ruiz came from?

15 A She's from California.

16 Q And do you know how long she was at the Orchard Park
17 store?

18 A She was at Orchard Park for -- I want to -- like three
19 months. I think it was about three months.

20 Q Were there any other store support managers assigned to
21 Orchard Park?

22 A No.

23 Q When Ms. Ruiz was at Orchard Park, did you observe her
24 wearing a headset?

25 A Yes. I mean, depending on which position that you're

1 working, you would be required to wear a headset. And then
2 sometimes it was an optional thing, but it would be almost like
3 a preference.

4 Q How many channels does the Orchard Park location have?

5 A They have drive-thru, cafe, and mobile order.

6 Q And then, what it all -- would they also have pickup?

7 A That would be like mobile-order pickup. Yeah.

8 Q Okay. What was the general use of headsets at the Orchard
9 Park location in the fall of 2021?

10 A So definitely DTO would be the order taker for drive-thru.
11 You would have bar so that they could listen to the drinks
12 coming in. Cold bar could also wear one if they wanted to stay
13 on top of it and, like, listen for drinks. Definitely warming.
14 And then sometimes CS wore a headset depending on if they had
15 to be in the back doing dishes like, hey guys, let me know if
16 you need anything.

17 So it -- it -- it really depended. And then like
18 sometimes it was a -- a preference thing. For me, it was too
19 much, so I was like, I don't really want one. So --

20 Q So as a shift supervisor, did you wear a headset on a
21 regular basis?

22 A Not always.

23 Q What about -- who was the store manager at Orchard Park
24 during this time period?

25 A Sonia Velasquez.

1 Q Did she wear a headset?

2 A If she was in a position where she needed one, she would
3 wear one.

4 Q And so during this time period, which is still the fall of
5 2021, while you were a shift supervisor at Orchard Park, did
6 you hear the partners talking about union activity?

7 A Yeah.

8 Q And which partners were talking about union activity?

9 MS. STANLEY: Objection.

10 JUDGE ROSAS: Basis?

11 MS. STANLEY: I'll withdraw it.

12 Q BY MS. POLITO: Which partners would talk about union
13 activity?

14 A James Skretta was one. Colin Joe Capuna (phonetic
15 throughout). And then there were a couple other partners that
16 would talk about it.

17 Q Did you observe the presence of Ms. Ruiz as store support
18 manager having any impact on their ability to talk about union
19 activity?

20 A No. Amy was -- she was amazing. She was super
21 supportive. She helped me grow in my role --

22 MS. STANLEY: Objection. Nonresponsive.

23 JUDGE ROSAS: Let's just respond to it literally first and
24 let her take it from there. Yes or no?

25 THE WITNESS: Can you ask me --



1 Q BY MS. POLITO: Did -- did Ms. Ruiz have any impact that
2 you observed on the partners talking about union activity?

3 A No.

4 Q Did Mr. Skretta demonstrate his support for the union in
5 any other way other than talking about union activity?

6 A Yes.

7 Q How?

8 A Flyers, pins, just overall talking about it.

9 Q And when you say flow -- flyers, what are you referring
10 to?

11 A Like, union flyers, like in the back room, we had a
12 breakroom, so he would put, like, the pins and the flyers in
13 the breakroom.

14 Q Did you observe anyone telling him that he was not -- not
15 allowed to do that?

16 A No.

17 Q During the time period that you were a shift supervisor at
18 Orchard Park, did you hear any manager tell any of the partners
19 that they could not talk about union activity?

20 A No.

21 Q Were you aware of how the partners communicated about
22 union activity outside of work?

23 A Through social media, yes.

24 Q Any other platforms that you're aware of?

25 A No.

1 Q Were you involved in any group meet chats during that time
2 period?

3 A I was not personally involved, no.

4 Q And why not?

5 A I wasn't interested, and that was just my own personal
6 preference.

7 Q And at some point in time, did you leave Orchard Park?

8 A I did.

9 Q And when was that?

10 A November -- beginning of November --

11 Q Of --

12 A -- of 2021.

13 Q And why did you leave Orchard Park?

14 A I was promoted to assistant store manager.

15 Q What was the process that you went through to become
16 assistant store manager?

17 A The process is pretty -- the -- the same across the board.

18 You put in your application, and you receive a phone call.

19 It's called a phone screen. They ask you a bunch of different
20 questions. Based off of that phone screen, they determine
21 whether you will move forward or not. And then you get a --
22 again, COVID times -- a Teams invite for a interview.

23 Q And how many times did you apply for an assistant store
24 manager position?

25 A I was -- I was in a growth process. We did -- it -- it



1 wasn't necessarily that I applied. We did panels where they
2 assessed where you were in your role and they asked you, like,
3 similar questions to what an interview would look like. I had
4 three of those.

5 Q And describe for us what a panel means.

6 A A panel -- so it would be, like, me and like four other
7 store managers who were currently enrolled. Two -- well, two
8 to four. One time it was four. One time it was two.

9 Q And when were you told that you had been accepted into the
10 position of assistant store manager?

11 A Right at the end of October.

12 Q And is there a job description for assistant store
13 manager?

14 A There is.

15 Q Can you take a look -- flip over the exhibits that are in
16 front of you and look at what's been marked as Exhibit 95? Do
17 you recognize that document?

18 A Yes.

19 Q And what is it?

20 A It's basically the -- the expectations that as a -- an
21 assistant store manager, this is what you are responsible for.

22 Q And is this document -- was this job description in place
23 at the time you were promoted to assistant store manager?

24 A Yes.

25 MS. POLITO: I move Exhibit 95 into evidence.

1 MS. STANLEY: Voir dire?

2 **VOIR DIRE EXAMINATION**

3 Q BY MS. STANLEY: Were you given a copy of this job
4 description?

5 A I was not given -- I was not given this, but I did my own
6 research.

7 Q How do you know that this is the job description that was
8 in place when you became assistant store manager?

9 A We can find all of the job descriptions on our partner
10 resources on the hub. You can find --

11 Q Did you -- did you do that?

12 A Yeah.

13 Q And you found -- this is the document you found?

14 A Yes.

15 Q Okay. And this is the description that was in effect when
16 you yourself became assistant store manager?

17 A Yes.

18 MS. STANLEY: No objection.

19 MS. POLITO: Move Exhibit 95 into evidence, Your Honor.

20 JUDGE ROSAS: Respondent 95 is received.

21 **(Respondent Exhibit Number 95 Received into Evidence)**

22 JUDGE ROSAS: It is two pages?

23 MS. POLITO: No, it's --

24 MS. STANLEY: No, no, it's --

25 JUDGE ROSAS: Three pages.



1 MS. STANLEY: Five. I've got five.

2 JUDGE ROSAS: Okay. Okay.

3 **RESUMED DIRECT EXAMINATION**

4 Q BY MS. POLITO: What was your understanding as to how long
5 you would be in a -- serving the role as assistant store
6 manager?

7 Q Assistant store manager was explained to me as a bench.
8 So you as an assistant store manager are learning the role of a
9 store manager. So the training plan for a store manager and an
10 assistant store manager is the same because the -- the
11 expectation is that within six months you could take over a
12 store. And they like to have assistant store managers on deck
13 because if something happens, you're ready.

14 Q Did you ask to be placed at the Transit/French store?

15 A I had no clue where I was going.

16 Q And do you know how the placement occurred?

17 A They told me where I was going, and I said okay. That's
18 literally it.

19 Q And you said you started in November of 2021?

20 A Um-hum. Yes.

21 Q Was there a delay in starting your job?

22 A There was. (b) (6), (b) (7)(C), and I was out for (b) (6), (b) (7)(C), so.

23 Q And you were out for -- (b) (6), (b) (7)(C) before
24 transferring to -- to Transit/French as the -- in the assistant
25 store manager role?

1 A Well, like, I was there, and then I was supposed to start,
2 and then I (b) (6), (b) (7)(C)

3 Q Okay.

4 A So like, I was there, and then I (b) (6), (b) (7)(C), but I never
5 actually, like, started my training yet.

6 Q And what was your training when you became the -- when you
7 were able to return to work after (b) (6), (b) (7)(C)? What was your
8 training as assistant store manager?

9 A Even in your training, you're still required to and
10 expected to work the floor, to be coverage on the floor. And
11 when I wasn't coverage on the floor, we were going through
12 activities. We were going through the, like, buckets of what
13 we are expected to do: hiring, training, communication. And
14 then -- so floor time and then training time. It was -- it was
15 pretty split scheduling. Anything that I needed to know as a
16 store manager, we would go over.

17 Q And who was the store manager at Transit/French when you
18 arrived in November of 2021?

19 A It was Jack.

20 Q Jack who?

21 A Morton.

22 Q And had -- do you know how long he had been the store
23 manager?

24 A I believe it was two months.

25 Q Do you know who the store manager was before then?

- 1 A Yes, his name was Nick (phonetic throughout).
- 2 Q Do you know his -- Nick's last name?
- 3 A I can't remember it.
- 4 Q Do you know why Nick left Starbucks?
- 5 A He just -- he left on his own.
- 6 Q Were there other store support managers at the
- 7 Transit/French location when you arrived in November of 2021?
- 8 A There were.
- 9 Q Who were they?
- 10 A Tiffany Mann and Taylor Avery (phonetic throughout).
- 11 Q And when you arrived at the Transit/French location, were
- 12 there conversations with respect to union organizing?
- 13 A Yes.
- 14 Q And did you observe any of the managers telling any of the
- 15 partners that they could not talk about union organizing?
- 16 A No.
- 17 Q Were the partners, some of the partners, wearing pins to
- 18 show support of the union activity at Transit/French?
- 19 A Yes.
- 20 Q How many hours a week did you work as assistant store
- 21 manager at Transit/French?
- 22 A You're required 40 and then sometimes overtime if needed,
- 23 business needs.
- 24 Q Going back to the time that you were at Orchard Park as a
- 25 shift supervisor, did you observe any corporate executives

1 visiting the store?

2 A Yes.

3 Q And who did you observe?

4 A Rossann Williams, Deanna Pusatier, Emily Filc, Kathleen
5 Kelly (phonetic throughout). Those are the ones I remember.

6 Q When those individuals were at the store, did you hear any
7 of them ever tell any partners not to talk about union
8 activities?

9 A No.

10 Q Did you hear any of them talk about union activity at all
11 when they were at the store?

12 A No.

13 Q What did you observe them doing?

14 A They had normal conversations with us. They asked us, you
15 know, how long have you been a partner? What's your experience
16 been like so far? How do you like working for Starbucks?
17 What's your favorite -- what's your favorite thing to do
18 outside of work?

19 Q During the time period that you were a shift supervisor,
20 did you attend any listening sessions?

21 A I did.

22 Q Were you told that they were mandatory?

23 A They were not mandatory.

24 Q Were you paid for attending those listening sessions?

25 A We were.

1 Q How were you paid?

2 A You were paid by the hours that you were there. Actually,
3 minimum paid three hours, even if it was only an hour-and-a-
4 half session.

5 Q Did any of the partners that you worked with at Orchard
6 Park complain to you about the listening sessions?

7 A No.

8 Q Were there any comments about the listening sessions when
9 you were shift supervisor at Orchard Park?

10 A They felt that they were -- it's not many times where we
11 get to really disconnect from work and kind of come together
12 around a table and be able to talk about the conditions or how,
13 you know, how -- how is Starbucks for us, like different
14 benefits that we had. So the partners actually really enjoyed
15 it because we actually got to hear stories from other partners
16 who had worked themselves -- worked their way up from a barista
17 and now to different positions of higher level. And they
18 enjoyed the time. They felt that it was a time to come
19 together around the table and just to talk.

20 Q And -- and during that time period in the fall of 2021 at
21 Orchard Park, were there any issues at Orchard Park with
22 respect to facilities or staffing or anything like that?

23 A There's always small, little -- little things like your --
24 you know, the machine you have to call it in three times this
25 week or -- but I think that's -- it's also a high-volume store,

1 so it does about 72 a week. So I -- I think with that volume,
2 you're expected to have these issues at some point.

3 Q When you say "high volume", what do you mean by that?

4 A Based on the sales. So anything above 70 -- anything
5 above 65,000 is considered high volume.

6 Q And you also mentioned the machines -- problems with the
7 machines, what are you referring to?

8 A Oh, espresso machines. Maybe the shots don't pour
9 correctly or the steam one goes down or the bar just quits
10 working altogether, that's -- that's happened too.

11 Q What was the practice of a -- if the espresso machine's
12 not working, what would you do?

13 A Assess the situation, can we continue what we're doing
14 with what we have right now? If it is absolutely impossible
15 and there's no way we can make it work, then we would also
16 troubleshoot. There were different -- different things that
17 you could try to try to get the machine to work. You could
18 turn it off, turn it back on, unplug it. You could also
19 call -- we have our Starbucks help line, you could also call
20 them. They could walk you through a couple of different
21 troubleshooting. And then if you can't get anywhere with that,
22 then you'll call the store manager.

23 Q Moving back now to when you became assistant store manager
24 at Transit and French, were you involved in any disciplinary
25 proceedings with respect to any of the partners?

1 A Yes.

2 Q And were you involved in it -- specifically in issuing a
3 corrective action form to Ms. Krempa?

4 A Yes.

5 Q Can you take a look at GC Exhibit 63? What is that
6 document?

7 A This was a final coaching conversation for Angel. She was
8 already on a final written warning, and this was a final
9 conversation to just really explain that like, hey, if you --
10 if you do break any more policies moving forward, we will move
11 to separation.

12 Q Do you know if Angel was on a final written warning at the
13 time that she received this corrective action notice?

14 A Yes.

15 Q And why wasn't she terminated? Do you know? At this
16 time.

17 JUDGE ROSAS: Do you need to look at the document to
18 answer that?

19 She's looking at the document.

20 MS. POLITO: Okay.

21 JUDGE ROSAS: So you're asking her to interpret it from
22 the document?

23 MS. POLITO: No, I'm just asking her generally.

24 A There were times where partners were given like it -- they
25 call it like a memorialized final where they -- they go over

1 like the severity of like, hey, moving forward like this will
2 lead to separation. I do not particularly know why she wasn't
3 fired.

4 Q BY MS. POLITO: At this particular time.

5 A At this particular time.

6 Q And were you present with Ms. Mann when you reviewed GC
7 Exhibit 63 with Ms. Krempa?

8 A Yes, I -- part of my training was to be -- to sit in on a
9 corrective action and just to really see, like, how they go and
10 to get that practice. So I did sit on this for training
11 purposes.

12 Q Did you review of any of the specific events identified
13 under manager statements with Ms. Krempa?

14 A I -- ask the question again.

15 Q Sure. Under the -- GC Exhibit Number 63 there's a box
16 titled Manager's Statement. Did you review any of those
17 specific incidents with Ms. Krempa on February 25th?

18 A Oh, yes. The -- the pin?

19 Q Yes.

20 A Yes.

21 Q And what did you review with Ms. Krempa?

22 A We talked about how the pin was not approved. And she
23 still proceeded to -- you know, I told her, hey, I know this
24 pin means a lot to you, but unfortunately, like due to policy,
25 you cannot wear it. I'm going to have to ask you to take it

1 off. And then she proceeded to continue to wear it.

2 And I came in on one of my days off and she was wearing
3 it. And then a shift supervisor had coached her on it as well
4 and then, you know, let me know that she still was coming to
5 work with pin on.

6 Q What about the dress codes standards? It says that MG
7 Tiffany reviewed the dress code standards. What dress code
8 standards did you review with her on February 25th?

9 A The pin -- the pin -- it's the apron standards, the pin
10 policy.

11 Q And when you met with Ms. Krempa on February 25th, 2022 to
12 review this course of action notice, what was your job at that
13 time?

14 A I was a store manager at the time.

15 Q And when did you get promoted to store manager?

16 A The beginning of February.

17 Q And what was the process that you went through to get
18 promoted to store manager?

19 A It was the same as assistant store manager. So I
20 applied -- applied online. And then I received a phone call.
21 It was the -- the firm phone screen. And then they let you
22 know when they're going to set up an interview, again, a team's
23 call. And then I had my interview. And then I found out two
24 days later.

25 Q Did you know that you would be assigned to Transit French



1 store as store manager?

2 A I didn't know fully. Honestly, at the time, like I hoped
3 that I would, because I had spent time there and gotten to know
4 the partners. And I -- I did love the team.

5 Q When did you find out you would be staying at Transit
6 French as store manager?

7 A I found out beginning of February when I was promoted.

8 Q And after you met with Ms. Krempa on February 25th, 2022
9 to review the corrective action notice, did you have any other
10 meetings at the store with the partners to talk about
11 expectations?

12 A I did. Me personally coming into the store and really
13 just like getting into my role as a store manager, I wanted to
14 make sure that I was doing everything the right way, that I
15 was, you know, doing the right thing. Like I wanted to be a
16 good store manager. I still do. And so I wanted to hold a
17 team meeting.

18 So it was -- it was February 27th. It was Tiffany's last
19 day. So it -- it was -- it was a store meeting slash like
20 goodbye party for her. And we went over every single policy.
21 We allowed the partner space to ask any questions that they
22 had, any concerns they had, anything. But this was just
23 another reminder that we -- we will be holding -- holding you
24 accountable for policy.

25 Q And who was present at that meeting on February 27th?

- 1 A Every partner but three.
- 2 Q Which three were not?
- 3 A It was Kayla, Austin and Tiana (phonetic throughout).
- 4 Q Did there come a time when you had to separate Ms. Krempa
- 5 from her employment at Starbucks?
- 6 A Yes.
- 7 Q And do you recall when that was?
- 8 A April 1st.
- 9 Q And do you recall why that was?
- 10 A Multiple violations to time and attendance.
- 11 A Can you take a look at GC Exhibit Number 67? Do you
- 12 recognize that document?
- 13 A Yes.
- 14 Q Did you review that document with Ms. Krempa?
- 15 A I did.
- 16 Q And there's a witness on that document; who was a witness?
- 17 A MK.
- 18 Q And does that mean that MK was present with you and Ms.
- 19 Krempa when she was delivered the news of her separation?
- 20 A She was.
- 21 Q Looking at the notice of separation where it talks about
- 22 "On March 7th, 2022, Angel was scheduled for a shift at 5:30
- 23 and arrived at 5:47, 17 minutes late". How did you know, in
- 24 fact, that Angel was late that day?
- 25 A I -- I check -- I mean, part of -- of being a store

1 manager is you -- you check your daily review on the
2 schedule -- schedule system. And my shift supervisor filled me
3 in, too. We do communicate, you know, who's late for tardiness
4 and for consistency purposes.

5 Q It says that she advised that she was going to be late.
6 What impact, if any, does that have on the issuance of
7 disciplinary action?

8 A One more time.

9 Q Yeah. Under that section on March 20 -- on March 7th it
10 indicates that Angel sent a text message stating that she was
11 going to be, "LMAO, my car is dead again".

12 A Okay.

13 Q The fact that she sent a text message, does that have any
14 impact on whether or not she would be disciplined for being
15 late?

16 A Well, the policy is that you -- if the store is close, you
17 are to call the store manager. And the right thing to do is to
18 call the store and let them know so that they can plan
19 accordingly. I mean, especially being an opener. But just
20 because you call the store does not negate the fact that you
21 are late. It's just the right thing to do so that we can plan
22 accordingly.

23 Q And in that box manager's statement it says, "On February
24 27th, 2022, during a team meeting, the store manager again
25 reviewed with the team Starbucks attendance and punctuality

1 policy". Is that the meeting that you were just referring to?

2 A Yes.

3 Q And what did Ms. Krempa say when you gave her her notice
4 of separation?

5 A She said, "I'll see you again".

6 Q Did you have to separate any other employees from Transit
7 French?

8 A Yes.

9 Q Who?

10 A Minwoo Park.

11 Q And do you recall the circum -- circumstances that led to
12 his termination?

13 A There were a couple. We had time and attendance. We had
14 foul language. And we also had issues at another store.

15 Q What were the issues that you learned about from another
16 store relating to Mr. Park?

17 A So as a store manager, when things are, you know, brought
18 to your attention, it is your -- it's your duty to look into
19 it. So Min had actually picked up a shift at Orchard Park and
20 the partners felt very uncomfortable. They brought this to the
21 store manager's attention.

22 Q Let me stop you there for a minute.

23 A Yeah.

24 Q Who was that store manager?

25 A Sonia Velazquez.

1 Q Okay.

2 A So they brought that to her attention. And part of her
3 job has been to tell me so that I can look into it because he's
4 my partner. So she brought it to my attention. I then called
5 MK, because I'm like, hey, here's a situation. So I called it
6 into Partner Resources.

7 Q And what is Partner Resources?

8 A We call everything in so that we can be consistent and
9 make sure that as a company that we are consistent in how we
10 are delivering corrective actions. So I called it in and was
11 told that I needed witness statements. So I asked Sonia if she
12 felt okay, like, is it okay if I ask your partners for witness
13 statements. And I said, just state your truth, you say what
14 happened. And then after that --

15 Q Did you speak with Mr. Park himself?

16 A I did.

17 Q And what did he tell you?

18 A He -- he said, yeah, I did it.

19 Q And what did he tell you he did?

20 A The -- after receiving the statements, I just went up to
21 him and I was like, hey, like, here's the deal, part of my job
22 is to look into things that are brought to my attention. And I
23 said, I'm -- I'm just going to read what was said, and then
24 obviously, there's two sides to every story, so I'm just going
25 to literally read what the statements say. And then you tell

1 me your side. And when -- when I said about sticking the
2 finger in the cappuccino, when asked what's the difference
3 between a wet and a dry cappuccino, he kind of like laughed.
4 And he was like, yeah, I did it.

5 Q Did he have any excuse for doing that behavior, engaging
6 in that behavior?

7 A He was just trying to be funny.

8 Q When did you tell Mr. Park that he was being terminated?

9 A March like the 23rd I think it was.

10 Q Can you take a look at GC Exhibit 127? What is that
11 document?

12 A This is his separation.

13 Q And what's the date of the separation?

14 A The 21st.

15 Q And does that mean you met with Mr. Mark on the 21st to
16 advise him of his termination?

17 A Yes.

18 Q Was he surprised that he was being terminated?

19 A He was not surprised.

20 Q Were you involved in any other terminations at Transit
21 French?

22 A No.

23 Q Were you involved in any other disciplinary actions at
24 Transit French?

25 A Yes.

1 Q What?

2 A Time and attendance, dress code. And those -- those are
3 more recent. I'm not sure --

4 Q That's fine.

5 A -- up until now. Okay.

6 Q Anything else other than dress code and time and
7 attendance?

8 A Not that I can think of right off the top of my head.

9 Q Do you have an assistant store manager that works with you
10 at Transit French?

11 A I do now, yes.

12 Q And who is that?

13 A Her name is Heather Flipakinski (phonetic throughout) or --
14 I butcher it every time.

15 Q Do you know how long Heather's expected to work with you
16 at Transit French?

17 A The -- the typical -- they call it actually a roasting
18 period. And the -- the hope is that they would roast for about
19 anywhere from four to six months and then interview for store
20 manager if they felt they were ready or comfortable.

21 Q Going back to that February 27th meeting when you and Ms.
22 Mann met with the partners in the store to review expectations,
23 did you talk about facial per -- piercings during that meeting?

24 A I did.

25 Q And what did you tell the partners?



1 A I told the partners that I understand that facial
2 piercings to some are really, really important. However, this
3 is the policy. And I said, you know, let's take two weeks to
4 really think about, you know, if -- if the piercings mean more
5 to you than working here and you really feel strongly that you
6 cannot work here and you need your piercings, the only ask is
7 that you just like you let us know. We know that can be a hard
8 decision, but just let us know. And the partners that did have
9 more than one facial piercing adhered to the policy.

10 Q And -- and what was the policy?

11 A One facial piercing.

12 Q Up until February of 2022 what was the mask policy at
13 Starbucks?

14 A It was --

15 Q Or sorry, from -- I -- I should say from February '20 to
16 February 2022 what was the mask policy at Starbucks?

17 A I don't remember the exact date when they made them not
18 mandatory, but I do know that they were mandatory for a long
19 time. And then it was like if you were vaccinated, and then
20 like they switched it a little bit, and then it went back to
21 mask, and then we like closed the lobby again. So it kind of
22 was all over the place. But a lot of partners still chose to
23 wear masks.

24 Q Even after the mask policy was lifted?

25 A Yes. And still do.

1 Q Did you ever have to speak with Ms. Krempa directly about
2 facial piercings?

3 A I did. So I was not going to make any partners remove
4 their masks to show me their face. You know, we assume
5 positive intent. And we actually were in the back and Angel
6 came to the back to take a sip of her water. And I just don't
7 think she was thinking or whatever, but she pulled her mask
8 down to drink and I was like, oh, I was like, Angel, like, you
9 have two piercings in. And she was -- she just kind of like
10 looked at me. And I was like, you know, like we -- we just had
11 a store meeting, like we gave everyone two weeks to adhere to
12 the policy. Like, we made it clear that this is the
13 expectation. And I said, I'm -- I'm going to have to ask you
14 to take one out. And she -- she said no.

15 Q So did she, in fact, comply with the facial piercing
16 policy?

17 A So she -- she came back the next day and the ask was, are
18 you adherent to the facial policy, the piercing policy? She
19 said, yes, but she had a mask on. So I -- I didn't feel right
20 about asking her to remove it because I hadn't asked anyone
21 else to remove it. So I -- I took her for her word.

22 Q Did you know -- did you later learn whether or not Ms.
23 Krempa was in compliance with the facial piercing policy?

24 A Like no. I -- yeah, she always wore a mask, so.

25 Q And you didn't ask her to remove the mask to confirm?

1 A No. And she never took it off when she was in the
2 building. She went outside to take her breaks so.

3 Q Ms. Garcia, during the times that you consulted with
4 Partner Resources, was there a particular person you spoke with
5 at Partner Resources about the appropriate disciplinary action?

6 A I did speak with Corrine, but it -- it wasn't necessarily
7 that you got the same person every time. It could be whoever
8 was able to answer the phone call. And that was -- that was
9 just in confidence that we were all making the same decisions
10 across the board.

11 Q And what is Corrine's last name?

12 A Crawley.

13 Q And did you speak with Ms. Crawley with respect to the
14 appropriate disciplinary action regarding termination of Mr.
15 Park?

16 A Yes.

17 Q And did you speak with Ms. Crawley about the termination
18 of Ms. Krempa?

19 A Yes.

20 Q Have you had any contact with Mr. Park since his
21 separation from employment at Starbucks?

22 A Once.

23 Q And when was that?

24 A Maybe like two months ago.

25 Q Did he come into the store?

- 1 A Yes.
- 2 Q And as a customer?
- 3 A As a consumer.
- 4 Q And you knew Mr. Park before you became the assistant
5 store manager from working with him previously, correct?
- 6 A I did. I worked with him at the Elmwood location just
7 through picking up shifts when I was a shift supervisor.
- 8 Q Do you know who Alyssa Scheida is?
- 9 A I do.
- 10 Q Who is she?
- 11 A She is now a store manager at the Regal location.
- 12 Q And do you know when she became an assistant store
13 manager?
- 14 A March? Maybe. I don't have an -- I can't remember an
15 exact date.
- 16 Q Was she -- did she -- did the two of you ever overlap
17 working together?
- 18 A Yes.
- 19 Q And where?
- 20 A At Transit and French. She was a shift supervisor.
- 21 Q How long was she a shift supervisor at Transit and French?
- 22 A I want to say it was like a year and a half.
- 23 Q Did you have any involvement with respect to her promotion
24 to assistant store manager and then store manager?
- 25 A Only with interview prep, little things like that.

1 Q During the time that we were at Transit and French in
2 November and December, were you aware of the store being closed
3 for any specific meetings?

4 A Yes.

5 Q Okay. How many times do you think the store was closed
6 between November and December for meetings?

7 A There was only one -- there was only one in the time that
8 I was there.

9 Q And was that meeting held at the store?

10 A It was.

11 Q And who was present at that meeting from Starbucks?

12 A Well, MK was there. Deanna was there.

13 Q Anybody else that you can think of?

14 A I forget her name, but she has the accent. Natalie.

15 Q And at the time that that meeting was held you were an
16 assistant store manager; is that correct? Was there any other
17 occasion at Transit and French that the store was closed early
18 or temporarily closed for a reason other than a listening
19 session?

20 A There were times that it closed early for being short-
21 staffed. You know, if the closer -- the closing shift
22 supervisor calls off and you only had one person in the
23 building, you would make adjustments. I mean, it wasn't -- it
24 wasn't all the time but like things happen.

25 Q And who had the authority to close the building if it --

1 if there was a staffing issue?

2 A The store manager would reach out to the district manager.

3 Q What about closing a channel, who had the authority to
4 close a channel?

5 A Store managers.

6 Q When you were shift supervisor at Orchard Park did you
7 have the authority to close a channel?

8 A I did not.

9 Q Did you ever close a channel when you were a shift
10 supervisor?

11 A There were times where I would call the store manager and
12 say, hey, here's the situation, this is what we're dealing
13 with, you know, can you please turn off mobile just to let us
14 get caught up? Or there were times where, again, our espresso
15 machine went down and we only had one espresso machine, so we
16 would turn off mobile just because it was impossible to keep up
17 on just one bar.

18 Q And on those occasions when a channel was closed off,
19 whose decision was it?

20 A Store manager.

21 Q What if the store manager was not available?

22 A You would call the district manager.

23 MS. POLITO: That's all I have, Judge.

24 JUDGE ROSAS: You ready to go?

25 MS. STANLEY: Yes.

1 JUDGE ROSAS: Okay.

2 General Counsel, cross-examination.

3 **CROSS-EXAMINATION**

4 Q BY MS. STANLEY: Hi, Ms. Garcia.

5 A Hi.

6 Q You talked earlier about when you applied to be assistant
7 store manager, you said that you participated in some panels.
8 Were those before you actually applied or after you actually
9 applied?

10 A They were before I applied.

11 Q Okay.

12 A It's like a preparation type thing.

13 Q You said that the -- the store manager at Depew prior to
14 Jack Morton is Nick?

15 A Um-hum.

16 Q How do you know why Nick left Starbucks?

17 A They just didn't have a store manager anymore. Like, I
18 didn't -- I didn't really -- like typically when a store
19 manager leaves, the district manager will call and say, you
20 know, hey, so-and-so has left. But when I -- I mean, I wasn't
21 in any position at that point, but when I was told that I was
22 going there, I was told that the store manager had left and
23 that they had an acting support manager, which was Jack.

24 Q They didn't tell you why he left?

25 A No.

1 Q So you don't actually know why he left?

2 A No.

3 Q You said earlier that you say Rossann Williams, Deanna
4 Pusatier, Emily, and Kathleen Kelly (phonetic throughout) at
5 Orchard Park. When was the first time you saw them there?

6 A Maybe September.

7 A Had you met any of them prior to that first time?

8 A No.

9 Q If you look back at General Counsel Exhibit 63. It's in
10 that pile before you. It's the photo of the February 25th
11 corrective action form for Angel Krempa.

12 A Okay.

13 Q Were you the store manager at that time at the store?

14 A In February -- of February 25th? Yes.

15 Q Yes, okay. So at the time this was -- this discipline was
16 given, you were the store manager?

17 A I was the store manager, but because I had never given a
18 corrective action before, Tiffany led that conversation and
19 then I just like sat there.

20 Q You said the policy for calling in if you're going to be
21 late is to call the store. Are you supposed to call the store
22 if the store is closed?

23 A You would call the store manager.

24 Q Okay.

25 A Yeah.

1 Q You talked earlier about calling in incidents to partner
2 resources. Would the partner resources people you talk to
3 instruct you as to what discipline to issue?

4 MS. POLITO: Objection.

5 JUDGE ROSAS: What's the basis?

6 MS. POLITO: The word instruct. But I'll withdraw the
7 objection.

8 JUDGE ROSAS: Okay.

9 THE WITNESS: One more time?

10 JUDGE ROSAS: You can answer.

11 Q BY MS. STANLEY: Would the -- would the partner resources
12 people you talk to tell you what discipline to mete out to
13 someone?

14 A We did have another source. It was called virtual coach.
15 And so after I consulted with my DM, I would then go to the
16 virtual coach because two of the questions they would ask you
17 is, have you consulted with your DM? Have you con -- sorry,
18 have you consulted the virtual coach? And the virtual coach
19 would just be you would choose time and attendance. So you
20 would click it. It would ask you a bunch of different
21 questions. And then at the end it would give, like, a
22 recommendation based on consistency. So after we called it in,
23 they would ask me, like, what did the virtual coach suggest?
24 And are you in alignment with that? So they would recommend
25 something, but it -- it was like a -- a joint, I guess you

1 could say. I mean, they ultimately have the final say because
2 they are writing these records.

3 Q Does Amelia Ruiz also go by Amy?

4 A One more time?

5 Q Does Amelia Ruiz, does she go by Amy?

6 A She does.

7 MS. STANLEY: I have nothing further.

8 **CROSS-EXAMINATION**

9 Q BY MR. DOLCE: Okay. Ms. Garcia, Mike Dolce from the
10 Union. Just one quick question. In those referred-to panel
11 discussions in the lead-up to becoming ASM, who were some of
12 the managers, other managers, involved in those panel
13 discussions?

14 MS. POLITO: Objection. Relevance.

15 JUDGE ROSAS: Overruled.

16 A It -- it depended. Honestly, it was, like, who was
17 available. So the one time I had met with -- with Patty that
18 was at Elmwood at one point, I met with Dave Almond, who was
19 Transit and Commons, who's no longer with the company. And I
20 met with Tina, who's at UB. And then I'm trying to think of
21 who else I met with. I met -- met -- met with Chris, who used
22 to be at Genesee. Yeah, it -- it depends.

23 MR. DOLCE: Nothing further.

24 MS. POLITO: Nothing further, Judge.

25 JUDGE ROSAS: Okay. Your testimony is concluded. Thank



1 you for coming today. Do not discuss your testimony with
2 anyone until you are advised otherwise by Counsel. Okay?

3 THE WITNESS: Thank you.

4 JUDGE ROSAS: Have a good day. Off the record.

5 (Off the record at 1:45 p.m.)

6 JUDGE ROSAS: The next witness?

7 MR. BALSAM: Starbucks calls Mallori Coulombe.

8 JUDGE ROSAS: Raise your right hand.

9 Whereupon,

10 **MALLORI COULOMBE**

11 having been duly sworn, was called as a witness herein and was
12 examined and testified as follows:

13 JUDGE ROSAS: All right. State and spell your name and
14 provide us with an address.

15 THE WITNESS: Mallori Coulombe, M-A-L-L-O-R-I
16 C-O-U-L-O-M-B-E. (b) (6), (b) (7)(C)

17 (b) (6), (b) (7)(C)

18 **DIRECT EXAMINATION**

19 Q BY MR. BALSAM: Thank you. Mallori, are you currently
20 employed?

21 A Yes.

22 Q Who are you currently employed by?

23 A Starbucks.

24 Q How long have you been employed by Starbucks?

25 A 12 years.



1 Q What was the first position you held with Starbucks?

2 A Assistant store manager.

3 Q Where did you hold the position of assistant store
4 manager?

5 A In Spokane, Washington.

6 Q How long were you the assistant store manager in Spokane,
7 Washington?

8 A Three months.

9 Q What was the next position you held with Starbucks?

10 A A store manager.

11 Q Where were you a store manager?

12 A Spokane, Washington.

13 Q And how long were you a store manager for?

14 A For six years.

15 Q What was the next position you held with Starbucks?

16 A District manager.

17 Q What were the job duties and responsibilities of your
18 district manager position?

19 A Yeah, so district manager really oversees, you know,
20 portfolio 9 to 15 stores. So really ensuring that you have
21 store managers who understand what it means to bring the
22 culture to life, staffing, scheduling, so that we can have the
23 very best experience in my district.

24 Q What district did you oversee as a district manager?

25 A I oversaw three districts, one in Central Washington and



1 two in Seattle.

2 Q How long were you a district manager for?

3 A Five years.

4 Q What was the next position you held with Starbucks?

5 A Regional operations coach.

6 Q How long did you hold that position for?

7 A Nine months.

8 Q What region did you oversee in your role as a regional
9 operations coach?

10 A Northern California.

11 Q What are the job duties and responsibilities of a regional
12 operations coach?

13 A The regional operations coach is really the kind of a
14 funnel from the sales support center into the regions. So we
15 would ensure that all new initiatives and programs that help to
16 improve the partner and customer experience come to life within
17 the region. There's also a level of coaching and guidance to
18 the regional directors and the regional vice president. So
19 really just ensuring that all operations are up to standard.

20 Q When did you stop being a regional operations coach in
21 Northern California?

22 A In September of last year.

23 Q So September of 2021?

24 A That's correct.

25 Q What position did you hold after September 2021?



1 A I continued to be a regional operations coach.

2 Q What location were you a regional operations coach for
3 starting in September of 2021?

4 A In Buffalo.

5 Q How did you end up in Buffalo, New York?

6 A I was in a time limited assignment in Northern California,
7 and so my time was about to be up in that region. So my
8 leader, Rachel Kelly, reached out to me asking if I would be
9 willing to extend my time limited assignment to support
10 Buffalo, in which I said I would.

11 Q Did Rachel Kelly indicate the reason why she was seeking
12 for you to come to Buffalo, New York?

13 A Yeah. There seem to be some significant operations gaps
14 within the market. And so really thinking about my -- what my
15 job was as an operations coach, how I could go and help the
16 market, which is what she said to me.

17 Q How long did you serve as a regional operations coach in
18 the Buffalo Market?

19 A Through November.

20 Q Of 2021?

21 A Correct.

22 Q And you said you're currently employed by Starbucks. What
23 is your current title?

24 A Regional director.

25 Q And what is the job duties and responsibilities of a



1 regional director?

2 A So similar to the district manager, it's just at a higher
3 level. So I oversee 9 district managers, 85 stores. Really,
4 again, looking at how we can operationally be the very best we
5 can, how we can be profitable, how we can continue to drive the
6 partner and customer experience, and really, a coach to the
7 district manager so that they can coach and support their
8 teams.

9 Q What district are you a regional director for currently?

10 A So I cover western and upstate New York.

11 Q And how many stores are in your district?

12 A 85.

13 Q Does your region include Buffalo and Rochester?

14 A That is correct.

15 Q You testified earlier that Rachel Kelly told you that the
16 Buffalo partner experience was not what it needed to be and
17 that the market needed to get back to standard. When you
18 arrived in Buffalo, what did you observe about the market?

19 A I had supported many, many regions of markets, and I had
20 never seen anything like I did when I came to Buffalo. The
21 standards in the store were nonexistent; very dirty.
22 Operationally, just not a great place for partners or
23 customers. And so it was quite surprising when I came to the
24 market just to see where the -- where the stores were at.

25 Q When you say there were no standards in the stores, what



1 do you mean by that?

2 A I would say, you know, if you think through how we make
3 beverages, how we clean stores. You know, we have standards
4 for nearly everything. And as I really came into the stores,
5 got to know the partners and saw the operations, very little of
6 what you would see in a -- in a store was actually coming to
7 life in this market.

8 Q Prior to your arrival in Buffalo, had you seen stores in
9 level of -- of or the standards similar to you -- that you saw
10 in Buffalo, New York?

11 A No.

12 Q Are you aware of Starbucks' decision to centralize
13 training in the Buffalo market?

14 A Yes.

15 Q How did you first learn of Starbucks decision to
16 centralize training?

17 A So when I first came to the market, what I heard was that
18 they needed about 100-plus partners in the market. And I
19 really heard that through the operations coaches and the people
20 who were supporting. And then I did go to the Walden and
21 Anderson store and see kind of what they were doing to bring
22 the training experience to life.

23 Q At the time that the Buffalo market utilized a centralized
24 trading facility to train new hires, to your knowledge, were
25 there any other locations where Starbucks had rolled out

1 centralized training?

2 A Yes.

3 Q Where?

4 A So when I was a district manager in Seattle, we had done
5 that through COVID in closed stores. Because really, with
6 COVID, there were so many partners that had left the company,
7 so we had done that. And then again, as a regional operations
8 coach coming out of COVID, there was other regions that were
9 implementing the training centers because of the amount of
10 partners that were needed in those regions.

11 Q Now, in the Buffalo market, did the single store training
12 facility decision work?

13 A To my knowledge, no, because of the amount of partners
14 that were needed for the stores.

15 Q Are you aware if Starbucks still utilizes centralized
16 training facilities in the Buffalo market?

17 A Yes.

18 Q Where are those centralized training facilities located?

19 A At the Lancaster store.

20 Q Any other locations?

21 A That's the only one that is just for training.

22 Q Okay. Is the Lancaster store closed to customers or is it
23 open to customers?

24 A It was originally closed for about six weeks just for
25 training. And then it opened in somewhat of a hybrid store.

1 So it was doing training and had very limited hours, so that
2 the partners could see real life what it looked like to be in a
3 store.

4 Q Why was the Lancaster store selected to be centralized
5 training facility?

6 A It had come out of a remodel, and so those partners that
7 were supporting that store were deployed across some other
8 local stores that were closed. And when that store opened, we
9 had the opportunity to actually not open it, to help with the
10 amount of partners we still needed.

11 Q And you were involved in the decision to select that
12 location as a centralized training facility?

13 A Yes.

14 Q Are you aware of Starbucks' decision to use recruiters in
15 the Buffalo market?

16 A Yes.

17 Q When did Starbucks, to your knowledge, make the decision
18 to use recruiters in this market -- the Buffalo market?

19 A That happened prior to me coming here last September.

20 Q Do you know why Starbucks started to use recruiters in the
21 Buffalo market?

22 A Again, it linked back to the amount of partners that were
23 needed for the market.

24 Q Had there been any benefits in using recruiters?

25 A Yes. The benefits would really be, again, when you think

1 about if a store needs 15 partners, the ability for a store
2 manager to source, hire, train those 15 partners is very, very,
3 difficult. So the ability to give more capacity to the store
4 managers.

5 Q Does the Buffalo market still utilize recruiters for
6 hiring?

7 A Yes.

8 Q When you arrived in Buffalo in the fall of 2021, were
9 there occasions when stores hours of operations fluctuated?

10 A Yes.

11 Q What were the reasons why store hours of operations
12 fluctuated?

13 A Yeah. Oftentimes, it was due to callouts, insufficient
14 staffing. That was a majority of what would happen. For
15 instance, people would call out sick for a closing shift, which
16 would make the store close early.

17 Q Did this happen often where store hours of operations
18 would fluctuate based on staffing?

19 A To my knowledge, yes.

20 Q Has Starbucks closed stores based on the influx of Union
21 activity?

22 A No.

23 Q Have the closures occurred all in the Buffalo Market, the
24 store closures?

25 A Because of -- because of staffing?

1 Q Right.

2 A Yes.

3 Q Do closures still happen in the Buffalo market today?

4 A yes.

5 MR. BALSAM: Sorry, Judge. I should have done this
6 before. I have one exhibit for this witness. One exhibit. I
7 forgot to give it to you.

8 (Counsel confer)

9 MS. POLITO: Hold on. I'll tell you the number we're at.
10 We're at Respondent Exhibit 96.

11 Judge, may I approach the witness?

12 Q BY MR. BALSAM: You've been handed what's been marked for
13 identification as Exhibit 96.

14 A Yes.

15 Q Do you have it in front of you?

16 A I do. Yes.

17 Q Do you recognize this document?

18 A I do.

19 Q What is this document?

20 A This is the Buffalo market, and the green dots are all the
21 stores located in the market.

22 Q Is this a 2021 version of the Buffalo market as you
23 understand it?

24 A As far as I understand, yes.

25 Q On this map, are you able to identify the location of the



1 Camp Road store?

2 A Yes. The Camp Road store is the furthest south location,
3 the 59087.

4 Q So all the way on the bottom of it?

5 A All the way -- all the way in the bottom left, yes.

6 Q Okay. What is the next closest store to the Camp Road
7 location?

8 A The next closest store is the Hamburg location.

9 Q And where's that located on this map?

10 A That is the store that's 7486.

11 JUDGE ROSAS: Hold on one second.

12 MR. BALSAM: Sorry, Judge.

13 JUDGE ROSAS: Pardon me. Are you going to be offering
14 this into evidence?

15 MR. BALSAM: I am in a minute. I can do it now.

16 JUDGE ROSAS: Yeah, because if it's not going to go into
17 evidence I don't want too much information --

18 MR. BALSAM: It is.

19 JUDGE ROSAS: -- being drawn from it.

20 MR. BALSAM: Let's admit Exhibit 96.

21 MS. STANLEY: I don't know if this is what you're going to
22 do, but I -- I would like to have her identify each store on
23 this, because --

24 JUDGE ROSAS: Voir dire?

25 MS. STANLEY: Yeah, that's -- I don't know if -- I don't

1 know if he was going to go through all of them. If you're not
2 then I --

3 JUDGE ROSAS: Do you have any other voir dire? I -- I
4 think eliciting the content of an exhibit that may not in
5 theory go into evidence, I think would be improper. So I want
6 to make sure that there's enough foundation for this document
7 to go in evidence before that's done. So do you have any voir
8 dire?

9 MS. STANLEY: I do.

10 **VOIR DIRE EXAMINATION**

11 Q BY MS. STANLEY: Ms. Coulombe, did you create this
12 document?

13 A No.

14 Q How -- did you pull it out of the system?

15 A So it's a Starbucks document. So my coordinator actually
16 created the document.

17 Q And this is current to date to your understanding?

18 A To my understanding, yes.

19 Q Are there any stores in the Buffalo market that are not
20 represented on this map?

21 A I don't believe so. I believe they're all represented.

22 MS. STANLEY: Other than that, I have -- I have nothing
23 further.

24 JUDGE ROSAS: Who is the Venture Brokerage Group; do you
25 know?

1 THE WITNESS: I do not know.

2 JUDGE ROSAS: You said you got this from who?

3 THE WITNESS: So there's a Starbucks partner that
4 coordinates with me that produced this document.

5 JUDGE ROSAS: Any other foundation? I mean, I want to --

6 MR. BALSAM: The witness has testified that she has seen
7 this map before. It was provided to her by a member of
8 Starbucks. It goes to show the location of the -- the
9 facilities in the Buffalo market at the time of the campaign
10 commencement.

11 JUDGE ROSAS: Okay. So positioning where -- where
12 specific stores are identified, obviously, that's where the --
13 the dots are, right?

14 MR. BALSAM: Correct.

15 JUDGE ROSAS: If we're going to get into any other kind of
16 calculations and things of that sort, I'm not sure that it's
17 been established to be useful for more than that.

18 MR. BALSAM: It's being shown for what it is, Judge, a map
19 of the store locations in the market.

20 JUDGE ROSAS: Okay. Let's see where it goes. I'll allow
21 General Counsel's Exhibit 96.

22 MS. STANLEY: Respondent 96.

23 JUDGE ROSAS: Respondent 96.

24 **(Respondent Exhibit Number 96 Received into Evidence)**

25 MR. BALSAM: Thank you.

1 Q BY MR. BALSAM: So Mallori, you testified to the location
2 of the Camp Road location as being the green dot all the way to
3 the bottom left of this exhibit, correct?

4 A Correct.

5 Q And then next to that, you testified that -- I asked you,
6 what was the next closest door to the Camp Road location?

7 A The Hamburg location.

8 Q And is that just to the right to the top of --

9 A Yes, that's correct.

10 Q And what is

11 JUDGE ROSAS: Counsel, they have numbers.

12 MR. BALSAM: Yeah, I --

13 JUDGE ROSAS: Can we refer to numbers?

14 MR. BALSAM: Sure.

15 JUDGE ROSAS: Just so --

16 Q BY MS. STANLEY: 7486?

17 A That is correct.

18 Q Okay. And then sort -- next to the nearest store to the
19 Hamburg location is?

20 A Is Orchard Park. The 6 -- the 63771 is Orchard Park.

21 Q Now, is the Buffalo market divided up into the sectors?

22 A That is how we've divided it, yes.

23 Q And what are those sectors?

24 A So we have the north, the central, and the south.

25 Q And the Camp Road location, and the Hamburg and the

1 Orchard Park locations, what sector are they in?

2 A Those in the south locations.

3 Q Okay. And what is the northernmost store in this market?

4 A Niagara Falls.

5 Q Have you traveled from the Camp Road location to the
6 Niagara Falls location?

7 A I have not in -- in one fell swoop. I have not.

8 Q Okay. Are you aware of the distance between those two
9 locations?

10 A I would say they're -- it's easily 50 -- 50 to 60 minutes
11 away.

12 Q And where is the Niagara Falls location?

13 A It is the -- it's at the very top up here. The 19901.
14 It's -- it's so far up there that they had to put a little
15 square.

16 Q Okay. In your experience, do partners take shifts outside
17 of their sector?

18 A No.

19 Q Typically, and we have -- we have many partners that
20 commute via bus, and the bus lines don't typically go out of
21 their sector or it takes a long time. And then just driving
22 purposes, the cost of gas, we do not usually see partners
23 outside of their -- their little bubble that they have.

24 A The Camp Road location which we established is all the way
25 at the bottom left of this map, do these partners pick up

1 shifts outside of their sector?

2 Q Typically, they would just pick it up at Hamburg or
3 Orchard Park. Kind of have to see the map there. Those are
4 the closest two locations. Outside of that, typically it's
5 too -- usually too far for them to be willing to pick up shifts
6 outside that.

7 MR. BALSAM: I have nothing further.

8 **CROSS-EXAMINATION**

9 Q BY MS. STANLEY: Hi, Ms. Coulombe. I'm going to ask you
10 to -- for each number of a store, I'm going to ask you to tell
11 me what the store location is. Okay? So what is 7665?

12 A I believe that is Transit and French.

13 Q And what is 7949?

14 A I believe that one -- I don't know all of them off the top
15 of my head, because really I use these maps just to help
16 understand how to realign things. So I don't know all the
17 stores off top of my head.

18 Q What about 7879?

19 A I believe that one that's at the airport, the Genesee
20 store.

21 Q What about 7448?

22 A That is Delaware and Chippewa.

23 Q 7381?

24 A That is, I believe, the University of Buffalo.

25 Q The one right above --



- 1 A Well, actually, that was one is -- I'm unsure what that
2 one is off the top of my head.
- 3 Q And keep going north. 7799?
- 4 A That's Delaware and Kenmore.
- 5 Q And UC?
- 6 A I don't know what that was off the top of my head.
- 7 Q At the top of the -- just the Buffalo only map, 50060?
- 8 A That is, I believe, Tonawanda.
- 9 Q 10750?
- 10 A Transit and Commons.
- 11 Q 7327?
- 12 A Transit Maple.
- 13 Q 47843?
- 14 A 47843, I think that one is Sheridan and Bailey.
- 15 Q 7318?
- 16 A Williamsville Place.
- 17 Q 7340?
- 18 A Williamsville Main.
- 19 Q There are two Williamsville stores?
- 20 A Yes, there's a Williamsville Place and a Williamsville
21 Main Street.
- 22 Q 7398?
- 23 A That is -- did I say that was Williamsville Place?
- 24 Q I had 7318, and then 7340?
- 25 A Oh, 7318 is up there. 7318, I -- I think that one might

1 be the University of Buffalo.

2 Q Okay. And then 7398?

3 A That's Williamsville Place.

4 Q 7337?

5 A Transit and Maple.

6 Q 22882?

7 A Lancaster.

8 Q When did you become regional director?

9 A I was promoted in November of '21.

10 MS. STANLEY: I have nothing further.

11 JUDGE ROSAS: Anything else?

12 MR. BALSAM: Nope.

13 JUDGE ROSAS: Oh, Charging Party?

14 MR. DOLCE: Yes.

15 **DIRECT EXAMINATION**

16 Q BY MR. DOLCE: Hi, Mallori. Nice to see you again. Mike
17 Dolce for the Union. Just a couple clarifying things on
18 Exhibit -- Respondent's Exhibit 96 here, the map. I believe
19 you testified that 7879 was the airport store, but I believe
20 2 -- is 23917 that is directly next to the airport as
21 demarcated on the map the airport store?

22 A I believe you are right. Yes.

23 Q And so 7949, is that Walden and Anderson?

24 A Yep. I believe that one is Walden Anderson.

25 Q And so then 7879, is that the Galleria kiosk?



1 A That closed, yes.

2 Q Okay. So does this map identify that as closed or as
3 still open?

4 A I believe it's closed, because it doesn't have a little
5 black ring around it. And so this is closed. But this is from
6 last fall outlining the stores we had then.

7 Q Okay. So this is at the launch of the Union but not
8 current?

9 A Not -- not to knowledge it's current, no.

10 Q Okay.

11 A So we don't have that store anymore.

12 MR. DOLCE: Okay. That's all I have.

13 JUDGE ROSAS: Anything?

14 MR. BALSAM: Nothing further, Judge.

15 JUDGE ROSAS: Just -- I'm not sure if you covered this,
16 but Batavia and Lockport, they're part of the southern sector?

17 THE WITNESS: Batavia is -- is from here to Rochester.

18 And so that's just outlining we don't have any stores there.

19 JUDGE ROSAS: It's not part of the southern sector?

20 THE WITNESS: No. No, it's not.

21 JUDGE ROSAS: So why is it on this sheet?

22 THE WITNESS: That -- I can't tell you why it's on there,
23 unfortunately.

24 JUDGE ROSAS: One of the questions to the attorneys
25 before -- for leave, just want to make sure. All the stores

1 that have been mentioned by the witness that are shown on
2 Respondent's 96, the addresses are stated in the pleadings. Is
3 that correct?

4 MS. POLITO: Yes.

5 JUDGE ROSAS: Okay. All right. Thank you. Anything
6 else?

7 MS. STANLEY: No.

8 JUDGE ROSAS: Okay. The testimony is concluded. Do not
9 discuss your testimony with anyone until you are advised
10 otherwise by Counsel. All right?

11 THE WITNESS: Thank you.

12 (Counsel confer)

13 JUDGE ROSAS: So what do you have?

14 MS. STANLEY: Judge, we have no other witnesses available
15 for today. We're going way faster than we expected. We have
16 someone flying in for tomorrow. We have adjusted a schedule to
17 have another person available for tomorrow. And then we have
18 someone flying in for Thursday. So we're also adjusting to try
19 to get people here on Wednesday.

20 JUDGE ROSAS: Okay.

21 MS. STANLEY: We are -- I know your rules about us moving
22 along. And I don't want you to think we haven't worked on it.
23 But I think it's of -- it's been a tough week. We didn't
24 expect to put our case in chief in until September. So it's a
25 week before Labor Day. It's vacation. So we just -- we are

1 truly doing our best we can do to get witnesses here so that we
2 can wrap this up as soon as possible.

3 JUDGE ROSAS: Okay. All right. Okay. Off the record. I
4 mean, not off the record. We'll adjourn tomorrow at 9 a.m.
5 Off the record.

6 **(Whereupon, the hearing in the above-entitled matter was**
7 **recessed at 2:22 p.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 3, Case Numbers 03-CA-285671, et al, Starbucks Corporation and Workers United, held at the National Labor Relations Board, Region 3, Robert H. Jackson United States Courthouse, Wyoming (5E) Courtroom, 2 Niagara Square, Buffalo, New York 14202, on August 29, 2022, at 9:05 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



ELAINE LAROSEE

Official Reporter